IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36890 of 2023
Date of Decision: August 04, 2023

Jagdeep Singh **…Petitioner**
Versus
State of Punjab **…Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. D.S. Virk, Advocate for the petitioner.
Mr. R.S. Khaira, DAG, Punjab.

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DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 438 Cr.P.C, petitioner has prayed for grant of anticipatory bail in case FIR no.80 dated 06.05.2023 registered under Sections 341, 323, 324, 427, 506, 148, 149 IPC (offence under Section 326 IPC added later on) at Police Station Sadar Samana, District Patiala.

FIR was lodged on the complaint of Gurmeet Singh, as per which, on 03.05.2023, he along with his friend Gurvinder Singh were discussing some matter in their Swift Car, when 5-6 persons came in the Verna Car led by Jagdeep Singh (petitioner), who started abusing him. Complainant left the place but the occupants of the Verna Car chased them, way-laid them and then Jagdeep Singh (petitioner) gave sword blow on the right side of the head with full force with intention to kill the complainant. More injuries were caused to the complainant Gurmeet Singh by the petitioner Jagdeep Singh besides Navjot Singh and Pargat Singh and two unknown persons. When his friend Gurvinder Singh tried to save him, he was also given injuries with kirpans.

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It is contended by learned counsel that petitioner has been falsely implicated. In fact, some dispute was going on between the members of the truck union and some other transporters, due to which they had scuffle with each other and one FIR No.79 dated 29.03.2022 had been registered at Police Station City Samana, District against Jasdeep Singh alias Jolly. Learned counsel submits that petitioner was supporting the President of the Truck Union due to which he was also nominated in the afore-said FIR and was later on granted bail. Learned counsel further submits that the grievous injuries No.1 in the present case has not been attributed to the petitioner and the other injuries are simple in nature and so, be given the benefit of anticipatory bail.

Learned State Counsel has opposed the bail petition by submitting that as many as five injuries were caused on the person of Gumreet and four on the person of Gurvinder. Learned counsel contends that injury No.1 on the person of complainant has been found to be grievous in nature attracting Section 326 IPC.

Learned counsel for the petitioner has placed on record the copies of the statements of both the injured Gurmeet and Gurvinder along with the copy of the medico legal reports and the medical opinions. It is revealed that as per the medical opinion, all the five injuries on the person of Gurmeet Singh were opined by the Medical Officer to be simple in nature. However, out of four injuries on the person of Gurvinder, one of the injury on his right arm was declared as grievous. The statement of Gurvinder – injured under Section 161 Cr.P.C reveals that injury on the right arm has been attributed to the petitioner – Jagdeep

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Singh alias Varaiti. Thus, it is clear that injury attracting Section 326 IPC is attributed to the petitioner having been caused to Gurvinder Singh, though not to the complainant Gurmeet.

Contention of learned counsel for the petitioner that in the initial version given by Gurmeet Singh, there are no details of any injury to Gurvinder Singh and that the statement of Gurvinder Singh was manipulated later on after the opinion of the doctor, has no force. It is a matter of trial. As per the documents available on file, it is the petitioner, who is attributed to have caused the injury attracting Section 326 IPC to Gurvinder.

Having regard to all the afore-said facts and circumstances but without commenting anything on the merits of the case, it is not a fit case to grant anticipatory bail to the petitioner.

Dismissed.

August 04, 2023 **(DEEPAK GUPTA)**
renu **JUDGE**

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No

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