

279                      **IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-42300-2023**

**Date of Reserve:12.09.2023**

**Date of Decision:18.09.2023**

**(i)**

Jagjit Singh @Jagjit Singh Sandhu

...Petitioner

Vs.

State of Punjab

...Respondent

**(ii)**

**CRM-M-44799-2023**

Satnam Singh

...Petitioner

Vs.

State of Punjab

...Respondent

**Coram :    Hon'ble Mr. Justice N.S.Shekhawat**

Present:    Ms. Ramneek Kaur Sandhu, Advocate  
for the petitioner in CRM-M-42300-2023.

Mr. Harpreet Singh Multani, Advocate  
for the petitioner in CRM-M-44799-2023.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Raghav Soni, Advocate  
for the complainant in both the petitions.

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**N.S.Shekhawat J.**

1.                      This order shall dispose of two petitions i.e **CRM-M-42300-2023** titled as ***Jagjit Singh @ Jagjit Singh Sandhu Vs. State of Punjab*** and **CRM-M-44799-2023** titled as ***Satnam Singh Vs. State of Punjab***, whereby the petitioners have prayed for grant of anticipatory bail to them under Section 438 Cr.PC in case arising out of FIR No. 17 dated 07.06.2023, under Sections 323, 325, 34 of IPC (Sections 308, 379-B, 295 and 120-B of IPC added later on ) at Police Station Kabirpur, District Kapurthala (Annexure P-1).

2. The FIR in the present case was got registered by Bagicha Singh son of Santokh Singh by alleging that at about 09:30 AM on 25.05.2023, he had reached a little ahead of Paltuna Bridge, in the meantime, Satnam Singh son of Sukhwinder Singh, came in his green jeep, which was being driven by Jagjit Singh son of Kashmir Singh (both the petitioners) and they were following him. After coming near the complainant, Satnam Singh fired a gunshot from his licensed pistol over his head and he fell down from his motorcycle on his left hand side and in the meantime, Jagjit Singh, accused hit him with the reverse side of the “*dattar*” and inflicted injury over his left leg and on the lower part of his left leg. In the meantime, two unknown persons came on the motorcycle, who were having spade, stick and dattar and they started hitting the complainant with their respective weapons. Even the complainant was an Amritdhari Sikh and they took his Turban and Siri Sahib (religious book) and they insulted him by touching his head. Mandeep Singh, Sarpanch reached at the spot on his vehicle and all the assailants ran away from the spot. Mandeep Singh, Sarpanch shifted him to Civil Hospital, Sultanpur Lodhi, where he was undergoing treatment. As per the complainant, he had orally informed the police on 29.05.2023 that he did not want to get his statement recorded and even on that day, he wanted to get his statement recorded after checking the X-ray report. The complainant further alleged that the reason for causing him injuries was that he had a land demarcation dispute with those persons and due to this enmity, they had attacked him and tried to kill him. With these broad allegations, the FIR in the present case was got registered by the complainant.

3. Learned counsel for the petitioners submitted that in fact as per the complainant himself, the alleged occurrence had taken place on 25.05.2023 and

Mandeep Singh, Sarpanch had allegedly witnessed the same. Even the complainant/injured Bagicha Singh had suffered minor injuries, still his statement was recorded on 31.05.2023 at civil hospital after a delay of six days. He further contended that the FIR in the present case was got registered by the complainant on 07.06.2023 after a delay of 12 days of the occurrence. Even the supplementary statement of Bagicha Singh was recorded on 07.06.2023 and as per the same, two unknown persons were also identified as Rajbir Singh and one more person. Learned counsel further contend that in the present case, Mandeep Singh, Sarpanch has been shown to be an eye witness and the FIR has been registered under his political influence. In fact, Mandeep Singh, Sarpanch, is an accused in the murder case of father of Jagjit Singh (petitioner in CRM-M-42300-2023) and Satnam Singh (petitioner in CRM-M-44799-2023) is a witness in the said case. Mother of the Jagjit Singh, (petitioner in CRM-M-42300-2023) had lodged FIR No. 50 dated 30.06.2019 under Sections 302, 506, 148 and 149 of IPC against Mandeep Singh, Sarpanch. When the cancellation report was presented by the police under the influence of Mandeep Singh, Sarpanch, a protest petition was filed by the mother of Jagjit Singh and both the petitioners are the witnesses of the prosecution against the said cancellation report. Learned counsel further submitted that the present case was got registered by Mandeep Singh, Sarpanch by using his political connections, just to pressurize the petitioners for not opposing the cancellation report submitted by the police. Learned counsel for the petitioners further submit that in the present case, it has been shown that both the petitioners had come in green jeep owned by Satnam Singh petitioner and Jagjit Singh petitioner was sitting in the same. However, as per the CCTV footage of the house of Satnam

Singh; Satnam Singh and his jeep were there in his house between 09:00 AM to 10:00 AM on 25.05.2023. Learned counsel for the petitioners had also relied upon the CCTV footage (Annexure P-5) and the photographs (Annexure P-6) in this regard. Learned counsel for the petitioners further submit that in the present case, it has been alleged that Satnam Singh, petitioner had fired shots from his licensed pistol, which crossed over the head of the complainant. However, during the course of investigation, the police had deleted the offence under Arms Act, which proves that no fire arm was used in the occurrence. Apart from that, no other injuries attributed to Satnam Singh, petitioner. On the other hand, the only role attributed to Jagjit Singh, petitioner is that he had caused injuries with the reverse side of a “*dattar*” on the left leg of the complainant. However, the said injuries are simple in nature. Learned counsel for the petitioners further submit that in the present case, the offences under Section 308, 379-B of IPC had been added later on after the unexplained delay, without any injury to the injured in that regard. Further, the offence under Sections 295-A, 120-B IPC have been wrongly added by the police under the influence of Mandeep Singh, Sarpanch. Learned counsel for the petitioners further submit that they are ready to join the investigation in the present case and their custodial interrogation would no serve no meaningful purpose.

4. On the other hand learned State counsel assisted by learned counsel for the complainant, have vehemently opposed the prayer made by learned counsel for the petitioners. It has been stated that both the petitioners had hired two persons to cause injuries to the complainant. Even the complainant was medico-legally examined and as per the MLR, the following injuries were suffered by the complainant/injured:-

*1.Shown lacerated wound on the left leg below knee and advised for X-ray of left leg.*

*2.Lacerated wound on the left leg below the injury No1 and advised for X-ray opinion.*

*3.Swelling of left forearm and advised for X-ray opinion.*

5. Still further, injury No.3 has been opined to be grievous in nature, being comminuted fracture of middle ulna. Apart from that one more FIR No. 154 dated 05.10.2005 under Section 324, 326, 452, 148 and 149 of IPC Police Station Sarhali, Amritsar was registered against Jagjit Singh, petitioner even though he is on bail in the said case.

6. I have heard learned counsel for the parties and with their able assistance; I have perused the record carefully.

7. The occurrence in the present case had taken place on 25.05.2023 and the occurrence was witnessed by Mandeep Singh, Sarpanch. Even the complainant/injured had suffered minor injury, still the statement of Bagicha Singh, complainant/injured was recorded for the first time on 31.05.2023 and the FIR was registered on 07.06.2023. Even it has been alleged that Satnam Singh, petitioner had fired shot from his licensed pistol, but during the course of investigation, the police has deleted the offence under the Arms, Act. Further, the injuries were caused with the reverse side of the “dattar” have been attributed to Jagjit Singh, petitioner, but the said injuries were simple in nature and the petitioners are entitled to concession of anticipatory bail.

8.           Consequently, both the petitions are allowed and the petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Section 438 (2) Cr.P.C.
9.           It will be open for the Investigating Officer to call the petitioners to join investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 438 (2) of the Cr.P.C.

18.09.2023  
hitesh

(N.S.SHEKHAWAT)  
JUDGE

Whether speaking/reasoned       :       Yes/No

Whether reportable                :       Yes/No