

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53137 of 2022(O&M)
Date of Decision: 27.04.2023

Jagpreet Singh @ Jaggi

...Petitioner

Versus

State of Punjab & Anr.

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Rhuani Chadha, Advocate
For the petitioner.**

Mr. C.L. Pawar, Addl. AG Punjab.

**Mr. Gautam Thapar, Advocate
For the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 176 dated 09.10.2022, registered under Sections 323, 324, 341, 148 and 149 IPC at Police Station Division No.5, Jalandhar, to which offence under Sections 307 and 325 IPC were added lateron.

As per the allegations appearing on record the complainant was going along with Ashwani Kumar on a motor cycle and they were intercepted by petitioner, Billa, Lovepreet and Manpreet, who were accompanied by 9/10 other unknown persons and all of them were armed with different weapons. The petitioner came forward and stopped their

motor cycle and then petitioner gave *datar* blow which hit on left side of head of Ashwani Kumar while Billa gave *datar* blow which hit on right cheek of Ashwani Kumar while Manna gave *khanda* blow on the back of complainant and *khanda* blow given by Sahil hit on the back of Ashwani Kumar. While Billa resident of Shafipur gave sword blow on right knee of Ashwani Kumar and Arsh also attacked them.

The counsel for the petitioner, *inter alia*, contends that as per the ocular version narrated in FIR and in the statement of Ashwani Kumar the present petitioner who was stated to be armed with sharp edged weapon caused injury on head of Ashwani Kumar. That, however, as per MLR of the said injured, aforesaid injury and all the other injuries were found to be caused with blunt weapon. The counsel for the petitioner further submits that this fact clearly falsifies the prosecution story. It is further contended that on this very ground the petitioner was granted interim bail vide order dated 17.11.2022 and on the basis of the same, petitioner joined investigation. So, prayer is made that present petition be allowed.

The present petition is contested by the State counsel as well as counsel for the complainant. The State counsel submits that there are specific allegations that the petitioner who was armed with sharp edged weapon gave its blow on head of Ashwani Kumar. The State counsel while referring to the concerned medical opinion submits that the said injury was declared as dangerous to life by the concerned doctor. The State counsel further submits that the petitioner is required by the police for proper investigation of the case.

I have considered the submissions made by counsel for the parties.

In the instant case it is apparent that the head injury caused by the petitioner to Ashwani Kumar is found to be dangerous to life. So, serious allegations are appearing on record against the petitioner and as such the petitioner even if has already joined investigation with the police is not entitled to grant of anticipatory bail. Consequently, the present petition is dismissed and order of interim bail dated 17.11.2022 is hereby vacated.

27.04.2023

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**