

CRM-M-57388-2023

2023:PHHC:161835

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204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57388-2023

Date of Decision: 14.12.2023

Jatinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Navjot Singh, Advocate for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

Mr. Naveen Kumar, Advocate for
Mr. Imran Farooqi, Advocate,
for respondent No.2.

Mr. Deepak Goyal, Advocate
for the victim (Sukhwinder Kaur).

HARKESH MANUJA, J.(Oral)

1. By way of present petition filed under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.103, dated 04.08.2023, registered under Sections 307, 323, 341, 148 and 149 of IPC (Section 302 IPC added later on), at Police Station Sadar Sangrur, District Sangrur, Punjab.

2. In the present case, petitioner along with his brother namely, Sukhjinder Singh @ Bhola was implicated for having inflicted injuries on the person of complainant-Ashwani Kumar, besides, deceased-Sikander Singh.

3. Learned counsel for the petitioner submits that petitioner has nothing to do with the occurrence. He further submits that though there had been land dispute between the deceased and brother of the petitioner, however the petitioner never being related to it. He also points out that even as per the contents of FIR, no injury has been attributed to the petitioner, who was not even found actively participating in the incident as per the CCTV footage, though, standing nearby.

While referring to the medical record, learned counsel also points out that the deceased left the hospital even against medical advice, which resulted into his death; cause being gangrene.

4. On the other hand, prayer made herein has been opposed at the instance of learned State counsel assisted by counsel representing the complainant. It has been submitted that the incident in question took place on account of previous enmity between the parties. Gangrene being cause of death occurred on account of injuries inflicted upon the deceased at the time of incident.

Learned counsel for the complainant also points out that the deceased never left the hospital against any medical advice but was referred to Rajendera Hospital, Patiala and thereafter, to PGIMER, Sector 12, Chandigarh.

5. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

6. In the present case, perusal of FIR shows that the entire incident commenced at the instance of petitioner only. It was the petitioner, who

while taking initiative threw “chilli powder” on the face of the complainant and the injuries were inflicted by all the persons present at the spot including the petitioner while forming unlawful assembly.

I am also unable to find substance in the submission made on behalf of the petitioner that deceased left the hospital against any medical advice.

7. A perusal of the post-mortem examination report dated 19.08.2023 prepared by PGIMER, Chandigarh shows that the deceased was admitted in PGIMER, Sector 12, Chandigarh in continuation of his discharge from the Rajendera Hospital, Patiala and the cause of death was “*gangrene bilateral lower limbs with fracture left both bone leg*”, which was primarily on account of injuries suffered by the deceased in the incident in question, thus, there being a prima facie corroboration of the version in the FIR with the medical record, besides there being a clear cut motive with the petitioner i.e. on account of pendency of civil dispute as well as criminal FIR/prosecution between the families.

8. Thus, considering the nature of allegations and gravity of offence as also the fact that recovery is yet to be effected, I do not deem it appropriate to grant the concession of pre-arrest bail to him as the same would definitely hamper the progress of the investigation in the present facts and circumstances.

14.12.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no

Whether reportable? yes/no