

CRM-M-60290 of 2022 (O&M)

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

CRM-M-60290 of 2022 (O&M)

Date of decision: 17.01.2023

Jagseer Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Saqib Ali Khan, Advocate, for the petitioner.
Mr. Adhiraj Singh, AAG, Punjab.
Mr. A.K. Walia, Advocate, for the complainant.

NAMIT KUMAR, J. (ORAL)

CRM-1951 of 2023

This application has been filed by the applicant-petitioner under Section 482 Cr.P.C. to place on record copy of CT scan report of Arshdeep Singh dated 13.10.2022 as Annexure A-1 and for exemption from filing certified copy thereof.

Allowed as prayed for. Annexure A-1 is taken on record subject to all just exceptions.

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This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.135 dated 15.10.2022 under Sections 307, 323, 427, 506 and 34 IPC, registered at Police Station Sadar Ahmedgarh, Tehsil Ahmedgarh, District Malerkotla.

Present FIR was registered on the statement of complainant

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Arshdeep Singh son of Gora Singh. He has stated that he is running a mobile accessory shop on main road Ludhiana to Malerkotla at Bus stand Gauspura Dulma. On 12.10.2022 at about 8:10 PM, he was sitting in his shop and three persons entered in his shop. They were petitioner-Jagseer Singh armed with iron rod; Mani Singh son of Mukhtiar Singh r/o Bhogiwal who was armed with hockey and Gora Singh son of Harbans Singh r/o Rauno who was also armed with hockey. These persons with an intention to kill him started beating him. Petitioner with an intention to kill him inflicted an iron rod blow on his head which hit his head above the right ear and due to which he fell down on the ground. Thereafter Mani Singh inflicted a hockey blow with an intention to kill him on the left side of his left eye and thereafter Gora Singh inflicted a hockey blow on his head. He raised a raula marta-marta. Thereafter these three persons also damaged the articles lying in his shop and also damaged the counter. Thereafter they ran away from the spot with their respective weapons. The motive for the occurrence is that one year ago an altercation took place between him and petitioner-Jagseer Singh etc. and matter was compromised and due to that grudge accused has inflicted injuries on him.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further submits that nothing is to be recovered from the petitioner and, therefore, his custodial interrogation is not required. Since uncle of the complainant is posted as DSP in Punjab Police, the instant FIR has been registered. He further submits that petitioner is ready and willing to join the investigation.

Per contra, on the strength of receipt of advance copy of the

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petitioner, learned State counsel submits that offence attributed to the petitioner is serious in nature. Petitioner is main accused in committing the offence as direct role has been attributed to him and weapons of assault are yet to be recovered. He further submits that out of two injuries inflicted on the person of the complainant by the petitioner, second injury has been declared grievous in nature and the investigation is at the initial stage, therefore, petitioner is not entitled to grant of anticipatory bail.

I have heard learned counsel for the parties and perused the record.

Keeping in view nature of injuries inflicted by the petitioner on the person of the complainant; being main accused and specific role attributed to him; weapons of offence are yet to be recovered and investigation is at the initial stage, custodial interrogation of the petitioner is required. Therefore, this Court is not inclined to extend the concession of anticipatory bail to the petitioner.

Dismissed.

17.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No