

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105

CRM-M-18494-2024

Date of decision: 16.04.2024

Jagmanjot Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurvinder Singh Aulakh, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0043 dated 24.03.2024 under Sections 307, 324, 323, 341, 148, 149 of the IPC (Section 326 added lateron), registered at Police Station City Malout, District Sri Muktsar Sahib.

2. Learned counsel appearing for the petitioner inter alia contends that he has been falsely implicated in the instant case on account of some political rivalry at the village level; the petitioner had no concern whatsoever with the occurrence in question. The delay of two days in the lodging of the FIR further lends credence to a fabricated case having been planted upon the petitioner. It has still further been submitted that even assuming for the sake of arguments, though not admitted, the petitioner was present at the time of the alleged occurrence, he was not shown to be armed with any weapon and rather as per the case of the prosecution, was empty handed. It has been submitted that even otherwise vague allegations have been levelled in

the FIR in question as there is no description/details given of the vehicle in which the alleged assailants came to the spot and attacked the complainant and his friends.

3. Notice of motion.

4. On asking of the Court, Mr. Navdeep Singh, DAG, Punjab, accepts notice on behalf of the respondent-State.

5. At this stage, Mr. B.S. Bhalla, Advocate has entered appearance on behalf of the complainant.

6. Learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite for extending the extraordinary concession of anticipatory bail to the petitioner. It has been submitted that the petitioner was an active participant in the crime in question as it was he who drove the other co-accused in his vehicle to the place of occurrence; the petitioner though not attributed any of the 13 injuries on the person of the complainant, however, inflicted grievous injuries on the wrist of injured Nachhatar Singh who was present with the complainant at the time of the alleged occurrence.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. It would be relevant to reproduce the FIR in question, which reads as under:-

“Statement of Wahegurupal Singh son of Baljinder Singh resident of Tarkhan Wala, Teh Malout, District Sri Muktsar Sahib aged about 18 years, Mobile: No 98761-02374, stated that I am a resident of the abovesaid address, I am a student of class 10+2 at G.T.B school at Malout. On dated 22.3.2024 my last exam of Political Science was at DAV School Malout. I was free after giving

my exam at school around at 01.30 PM. I and my partner Nachhatar Singh S/o Nirmal Singh resident of village Gurusar Jodha, Yuvraj Singh S/O Amandeep Singh resident of city Malout. Ripanjit Singh S/O resident of City Malout, through my car ALTO went to Mimit College Malout. When we were returning from Mimit College Malout to the city Malout, It was around 01.45 PM that when we reached plant nursery at village Sheikhu, Rajan Dhillon S/o unknown resident of Maniyanwala brought a car and stopped in front of my car and He got down from the car and pulled a pistol on me and his other companions got out of the car including Abraj Sidhu alias Roda S/o unknown, whose village I don't know, Having a Kirpan and Akash Sidhu S/o Unknown resident of Kangan Khera having a Kirpan. Sumer Bath S/o unknown resident of Malout city having a Baseball, Navdeep Brar S/o unknown resident Phulu Khera having a Kirck and another white car driven by Jagmanjot Singh S/O Rajpal Singh resident of Malout city (Village Malout) and stopped his car behind our car in which Parmeet Singh S/O Shinderpal Singh Resident of Danewala having a Kirpan, Jashan Brar S/O unknown Resident of Bodiwala having a Baseball, Sharan Sandhu S/O unknown resident of Maniyanwala having a baseball, Billa Boxer S/O Unknown resident of Malout came out of the car and on 2 motorbikes, 4-5 unknown Youngman whom I can recognize when I come forward. All these people surrounded us and Rajan Dhillon waved his revolver saying don't let them go spare, then they pulled us out of the car then Abraj Singh hit me with his Kirpan with the intention to kill me, which hit me in the middle of my head and Akash Sidhu hit me with his kirpan, which hit me above the back of my head and Abraj Sidhu hit me again with his kirpan which hit my head and I fell down, so Rajan Dhillon raised Lalkara and said that let them hang like goats, then by some of them attacked on my friend Nachhatar Singh son of Nirmal Singh, a resident of Gurusar Jodha, also started hitting with Kirpana and Sumer Bath hit me with his baseball, which hit on my left shoulder, then Parmeet Singh hit with his Kirpan towards my neck so, I put my left arm forward to save myself then the Kirpan hit my left wrist and Parmeet Singh hit me again with his Kirpan. which hit me straight on the back of the left shoulder then Jashan Brar hit me with his baseball which hit the back of my left shoulder and Jashan Brar hit another baseball, which hit me behind my left shoulder then Sharan Sandhu hits consecutive two times with his baseball, which hit on my back, then Navdeep Brar hit with his kirck, which hit on back then Sumer Bath hit with his baseball, which hit on my back, Then Billa Boxer turned me flat while I was lying down and Sumer Bath hit with his baseball in my stomach.

I raised alarm Marta- Marta then seeing people gathering there run away from the spot then on the spot friend Yuvraj Singh S/o Amandeep singh a resident of Ratta Tibba, now resident of Malout, Relive Sanjot singh S/o Angrej Singh resident of Village Ratta Tibba and Amandeep Singh S/o Kuldeep Singh resident of City Malout came there. Who put me and Nachhatar Singh in the car and admitted us to Civil Hospital Malout, where Dr. Sahib referred me and Nachhatar Singh to G.G.S College Faridkot due to multiple injuries, on which my family members admitted me to Faridkot Medical College and Nachhatar Singh's family members took him to Amritsar for treatment, Today I am undergoing treatment at GGS College Faridkot, cause of revelry is that we had a fight with Parmeet Singh and Jagmanjot about 15-20 days ago because of that grudge all of them has beaten me and my friend Nachhatar Singh in connivance has seriously injured us. Legal action should be taken against the abovesaid. I have recorded a statement SD/-Wahegurupal Singh, attestation true/- Angrej Singh ASI, PS City Malout Dated 24.3.2024, Police Action:- Dated 22.3.2024 One Rukka No. 221, Dated 22.3.2024 injured Nachhatar Singh son of Nirmal Singh Resident of Gurusar Jodha, Wahguru Singh son of Baljinder Singh, resident of Tarkhan wala, had entered the CH Malout due to injures and received at police station in connection with the action against HC Bohar Singh No: 1543/SMS along with the ASI, where Dr. Wrote about referring of Nacchatar Singh and Waheguru Singh to GGS Faridkot College, on which after returning reaching the police station, report No. 50, dated 22.3.2024 was recorded in the diary. Hospital Faridkot is admitted. I/O should be sent for action and Rukka No: 522 dated 22.3.2024 should be obtained from Police Station City-2 Faridkot, on which I ASI alongwith HC Kulbir Singh No: 278/SMS, PHG Munna Lal No: 1213, for recording statement from police station City-2 Faridkot to Rukka No: 522 dated 22.3.2024 and MLR NO MLR/GM/FDK/19/2024 dated 23/3/24 regarding Waguru Pal Singh son of Baljinder Singh resident of Tarkhan Wala, where injured Waguru Pal Singh was found in his bed, who recorded abovesaid statement to me, which was written and read-over and explained to him, who read and after admitting his statement and signed under his statement in English, which was verified by the ASI as the Rajan Dhillon has pointed a Pistol, has been recorded in his statement regarding the same verification is necessary, after the verification, the action will be taken according to the situation. At present, as per the statement of injured, it is found that the offence falls under section 307,324,323,341,148,149 of IPC. On which case is being registered against 1. Abraj Sidhu @ Roda son of unknown,

2. Rajan Dhillon son of unknown resident of Fatehpur Maniawalan, 3. Akash Sidhu son of unknown resident of Kangan Khera, 4. Sumer Bath son of unknown resident of Malout, 5. Navdeep Brar son of unknown resident Phull Khera, 6. Jagmanjot Singh, son of Rajpal Singh, resident of Malout village, 7. Parmeet Singh, son of Shinderpal Singh, resident of Danewala, 8. Jashan Brar, son of unknown, resident of Bodiwala, 9. Sharan Sandhu son of unknown resident of Fatehpur Manianwala, 10. Billa Boxer resident of Malout and 4/5 unknown persons for registration being sent through PHG Munna Lal No: 12103 to police station for registration of case/FIR, by filling a case the number should be informed of the same through W/M should be notified to PCR/SMS and special report should be issued. I alongwith fellow employees are busy in investigation. Correct/-Angrej Singh ASI, PS City Malout, Dated 24.3.2024, Today GGS Medical Medical Hospital Faridkot AT 07:10PM, Today Police Station:- after receiving the abovesaid statement at police station, the case against the abovesaid accused is being registered on the CCTNS/project of police station. After registering a case, copy of FIR and original statement is being sent through PHG on the spot to the ASI, in the service of Special Report are being sent through the S/CT Jagwinder Singh 1076/SMS to the illaqa Magistrate and senior officers. PCR/SMS is being notified through W/M.”

9. Prima facie it does appear to be a premediated attack wherein it is the petitioner who drove the co-accused, who were all armed with lethal weapons, to the place of occurrence and thereafter launched an unprovoked attack on the complainant and one of his friends, who was accompanying him at the relevant time. The complainant sustained as many as 13 injuries on various parts of his body whereas his friend Nachhatar Singh sustained 02 injuries including one which has been specifically attributed to the petitioner. In the facts and circumstances and in the wake of the role attributed to the petitioner, he does not deserve the extraordinary concession of anticipatory bail.

10. Accordingly, the instant petition is hereby dismissed.

11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.04.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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