

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31248-2024 (O&M)

Date of Decision: 04.07.2024

Mahabir Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikas Gupta, Advocate for the petitioner

Mr. Rajiv Verma, DAG Punjab

Mr. Amandeep Singh Jwandha, Advocate for complainant

Sandeep Moudgil, J.

Relief

(1). This petition under Sections 438 CrPC has been filed by the petitioner seeking anticipatory bail in case FIR No.112 dated 19.08.2023 under Sections 341/323/506/148/149 IPC (Section 307 IPC added later on), registered at Police Station Jhabal, District Tarn Taran.

Facts

(2). As per the allegations in the FIR, it has been alleged by the complainant Janpreet Singh that on 03.08.2023, at about 5 PM, a dispute took place between the complainant party and the present petitioner and thereafter, on 04.08.2023 at about 12:30 PM, the petitioner and other co-accused gave injuries to the complainant and his brother Lovejit Singh. It has been alleged that Baldev Singh raised lalkara upon which Dilbagh Singh, inflicted a baseball bat blow upon Lovejit Singh which hit on his shoulder, co-accused Shamsher Singh gave dang blow on the right hand of complainant, Harman Singh swung baseball bat but missed the complainant and Mahabir Singh (present petitioner)

inflicted a blow with baseball bat on the left side of the head of the complainant due to which he slumped on the ground and Jarman Singh, Yodha Singh kept on hitting the complainant and his brother with dangs.

Submission by the petitioner

(3). Learned counsel for the petitioner submits that the present case is a case of version and cross-version as a cross case has been registered on the statement of co-accused Dilbag Singh vide DDR No.11 dated 10.09.2023 under Sections 326/323/148/149 IPC against brother of the complainant and other persons as Dilbag Singh received grievous injury of kirpan blow on his left forearm. He further averred that nothing has been recovered from the possession of the petitioner and therefore, his custodial interrogation is not required.

Complainant's/State's contention

(4). Mr. Amandeep Singh Jawandha, Advocate has filed vakalatnama on behalf of the complainant-Janpreet Singh which is taken on record. He along with learned State counsel opposed the prayer made by the counsel for the petitioner on the ground that a brutal attack had been inflicted upon the complainant as is evident from the MLR which reveals that he had sustained lacerated wound on the head and as far as the petitioner is concerned, specific role has been attributed against him and has been identified by the complainant to be the principal accused in inflicting the life threatening injury on the head of the complainant and therefore, he does not deserve any concession by this Court.

Analysis

(5). The FIR itself narrates that the injury attributed to the petitioner is by baseball and the blow that he hit was on the left side of the head of the complainant Janpreet Singh. This fact is prima facie corroborated by the MLR which depicts that the complainant received lacerated wound 4 x .5 cm situated on the left parietal side of the head of the complainant and this injury has been specifically attributed to the petitioner which has been declared, by the board of doctors, to be dangerous to life.

(6). Moreover, the prosecution is yet to make recovery of the weapon i.e. baseball bat from the petitioner and at this crucial stage, when medico-legal report coupled with the statement of the complainant points towards the involvement of the petitioner, this Court does not find it to be a case to exercise its jurisdiction and extend the concession of granting anticipatory bail to the petitioner inasmuch as there is every likelihood that the accused persons may hinder the investigation or coerce the witness/evidence.

(7). It has also to be borne in mind that the gravity of offence is such that a human has suffered such injuries which as per the board of doctors, was dangerous to life. Above all, recovery of the weapon is yet to be effect which is a piece of evidence against the petitioner-accused. Hence, I am of the considered view that the petitioner does not deserve the discretionary relief under the circumstances and nature of allegation.

(8). Dismissed.

04.07.2024

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No