



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-36215-2024
Date of decision: 30.08.2024

Sukhjinder Singh @ Jaggi and another

....Petitioners

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raj Kumar Arya, Advocate, for the petitioners.

Mr. Navdeep Singh, DAG, Punjab.

Mr.B.B.S. Randhawa, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. Petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.64 dated 21.06.2024 under Sections 323, 324, 336, 379-B(2), 148, 149 of the Indian Penal Code, 1860, and Sections 25 and 27 of the Arms Act, registered at Police Station Dera Baba Nanak, District Batala.

2. On the last date of hearing, the following order was passed:

“Learned counsel for the petitioners, inter alia, contends that in fact, it is the complainant party, which initiated the attack by firing towards petitioners and others, although no injury was sustained by them. It has been further submitted that petitioner No.2 has been attributed a simple injury on the head of the complainant, whereas petitioner No.1 has been attributed one injury on the right upper arm and one injury each on left and right leg of the complainant with a datar.”



3. It had been ordered that no coercive steps would be taken against petitioner No.2 till the next date of hearing. On being put to notice, the learned State counsel assisted by ASI Jaswant Singh, has vehemently opposed the prayer and submissions made by the counsel opposite and has drawn the attention of this Court to the FIR in question which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

*“Statement of Boor Singh S/o Mahinder Singh, r/o Jodian Kalan Police Station, Dera Baba Nanak, aged about 54 years, mobile number 99143- 12159, stated that I am r/o above said address and present Sarpanch of the village and doing agricultural work. On 20.06.2024, I was working in my field near tube well with my nephew Tej Pratap Singh S/o Jatinder Singh r/o Jourian Kalan and my land adjacent to the GT road, on the other side of my land, the new building of the police station corridor is being constructed. It will be around 3/3:15 PM that Shamser Singh alias Shera S/o Tarsem Singh armed Datar, Sukhjinder Singh @Jogi S/o Tarsem Singh armed with Datar, Jugraj Singh @Joga S/o Sohan Singh armed with Dang and 4 unknown young man armed with sticks came in three motorcycles by raising lalkara. They were coming towards my field then Shamser Singh alias Shera and **Sukhjinder Singh alias Jaggi said in a loudly voice to catch hold them**, today teach them lesson for setting up a polling booth in the village for Lok Sabha Election 2024 where I am working in the field. Seeing this danger, I tried to stop them by taking his licensed weapon, but the men became vigorous and came forward to attack me, so I fired in the air with my licensed revolver 32 bore N-05840 for my own protection. Jugraj Singh alias Joga given a stick blow upon me which hit on middle of my head and Shamsher Singh alias Shera given a Datar blow upon me which hit on my nose and **Sukhjinder Singh alias Jaggi given a Datar blow upon me which on hit my right upper arm** and Shamser Singh alias Shera again given a blow of Datar upon me*



*which hit on my left arm. Thereafter Shamsheer Singh @ Shera given his Datar to Suman @ Guga above said and he given a Datar blow upon me which hit on my right knee and then again Suman @ Guga given a Datar blow upon me which hit on my backside of right leg and I fell on the ground and while I was lying on the earth, **Sukhjinder Singh @ Jaggi given two blow of Datar which hit on my left leg and right leg.** Then in order to rescue me, my nephew Tej Pratap Singh S/o Jatinder Singh r/o Jourian Kalan, came forward then unidentified persons attacked him with sticks, which hit him on the back on the left side and on the right side and left elbow and the left shoulder and I take my phone from my pocket of trouser and started calling for help from my mobile phone Iphone-14 PRO number 99143-12159. Then the above said accused persons have snatched the mobile of my nephew Tej Pratap Singh I+NORDC3 and my Mob. No. 79731-65071 and revolver 32 bore which Ammunition License No. DM/GSP/INDI/DBNX/10-2024/N/22746553 and then while firing upon me with my revolver ran away on their motorbikes with their weapons and meanwhile after hearing our hue and cry my wife Paramjit Kaur and other villagers Jarnail Singh and Jagjit Singh sons of Sardul Singh, who were working near my land came at the spot and my wife Paramjit Kaur arranged a vehicle and got admitted us Civil Hospital Dera Baba Nanak where Doctor dressed our wounds and issued our MLR. Grudge of dispute is that above said accused before the Lok Sabha Election of 2024 said to me that did not set up your polling booth in the village. Due to this grudge the above said persons in-conspiracy with each other caused injuries to me and my revolver 32 bore with the licensee and our mobile phones have been snatched. I am claimant. Take legal action. Sd/- Boor Singh. Attested Sd/- Daljit Singh SI Police Station Dera Baba Nanak dated 21-06-2024.”*

Attention has also been drawn to the specific role attributed to petitioner No.1 in the occurrence in question.



4. Learned counsel for the State as well as the complainant have submitted that it is on the face of it a pre-meditated attack carried out by the petitioners and the co-accused who came armed with lethal weapons to the place of occurrence and thereafter did not hesitate to inflict injuries upon the complainant; when the nephew of the complainant rushed to his rescue, he too was not spared and was inflicted injuries by the accused party on his person. Furthermore, while fleeing away from the spot, the accused party comprising of the petitioner snatched the licenced weapon (revolver) of the complainant and mobile handset of his nephew. Not only this, while fleeing away from the spot, all the accused also fired from their respective weapons towards the complainant party. It has still further been argued that petitioner No.1 inflicted injuries with a *datar* on the right upper arm and both the legs of the complainant whereas petitioner No.2 inflicted a *danda* blow on the head of the complainant. Learned counsel has still further submitted that no doubt petitioner No.2 has been attributed a simple injury, however, he actively participated in the occurrence in question and hence, does not deserve the concession of bail. It has also been submitted that the allegations levelled in the FIR in question *prima facie* find corroboration with the medical evidence on record.

5. Learned counsel for the petitioners has further reiterated the submissions made on the last date of hearing by contending that it was on account of previous enmity between the parties that exaggerated allegations have been levelled against the petitioners.

6. I have heard learned counsel for the parties and perused the relevant material placed on record.
7. *Prima facie* there are serious and specific allegations levelled against the petitioners of not only having actively participated in the alleged occurrence but also having inflicted injuries on the complainant party.
8. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of bail to the petitioners.
9. Accordingly, the instant petition is dismissed. 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.

(MANJARI NEHRU KAUL)

JUDGE

August 30, 2024

poonam

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