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

CRM-M-38660-2024
Decided on : 05.12.2024

Jangir Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Surbhi Yadav, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Robindeep Singh Bhullar, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.20 dated 03.05.2024 under Sections 326, 324, 323, 341, 148, 149 IPC registered at Police Station Lakhewali District Sri Muktsar Sahib.

2. Learned counsel for the petitioner contends that it was, in fact, the complainant party, who initiated the incident in question by attacking the petitioner and his family members. Thus, the complainant party was the aggressor, as is also evident from the fact that the petitioner's son sustained an injury at their hands. It has been further submitted that the complainant party having attacked



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the petitioner is further corroborated by the fact that, after the occurrence in question, the petitioner submitted documentary evidence, including photographs, to the police; the complainant party even went to the extent of setting the house of petitioner on fire.

3. Learned counsel asserts that the present case is a case of version and cross-version, with both sides alleging injuries. The injuries sustained by the complainant party, if any, were inflicted by the petitioner in the exercise of his right to self defence, or at most, resulted from a sudden quarrel between the parties.

4. It has been further submitted that the petitioner also lodged a DDR on 05.05.2024 regarding the occurrence in question. Furthermore, the only role, if any, attributed to the petitioner is the infliction of a single injury on the complainant, which is highly improbable given the advanced age of the petitioner and his suffering from various age related medical ailments. A prayer has, therefore, been made, in the aforementioned facts and circumstances, since the petitioner has now been in custody for almost seven months having been arrested on 13.05.2024 to extend the concession of bail to the petitioner as the trial is unlikely to conclude in the near future.

5. Per contra, learned State counsel assisted by counsel for the complainant have vehemently opposed the prayer and submissions made by the learned counsel for the petitioner and have drawn the



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attention of this Court to the allegations levelled in the FIR in question. It has been contended that not only was the petitioner named in the FIR in question but it is at his behest that the occurrence in question took place. It has been submitted that the petitioner was armed with a handle of a spade and also gave a *lalkara* to initiate the assault. It has been still further argued that a perusal of the FIR clearly reveals that the petitioner actively participated in the attack by striking the complainant on the head, which is a vital part of the body, with the handle of a spade, causing injuries as a result, thereof. Evidently, the petitioner and the co-accused acted in collusion with each other by orchestrating and executing the attack on the complainant leading to multiple injuries on his person. It has been further submitted that the complainant was immediately hospitalised with multiple injuries first at Civil Hospital, Shri Muktsar Sahib and later, referred to Guru Gobind Singh Medical College and Hospital, Faridkot for further treatment. Learned counsel for the State has still further submitted that no doubt, a DDR was also recorded but it was 2 days after the occurrence in question, which left no manner of doubt that the accused party for reasons but obvious was trying to coin a version in their defence. It has still further been submitted that in case, the petitioner is enlarged on bail at this stage, there is every likelihood that he could tamper with evidence and also intimidate/influence the prosecution witnesses since prosecution evidence has not yet commenced. A prayer has, therefore,



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been made for dismissal of the instant petition in the above given circumstances and the stage of trial.

6. Heard learned counsel for the parties and perused the material on record including the allegations levelled in the FIR.

7. As per allegations levelled in the FIR, the occurrence in question comes cross as a premeditated and coordinated attack launched by many persons, including petitioner Jangir Singh. The occurrence in question took place on 02.05.2024 at around 11:00 PM when the complainant was returning home after work. Upon reaching near his residence, he encountered a group of armed persons, including the petitioner, who were waiting with deadly weapons such as *Kappa, Kirpan, Toka, spade, dang* etc.

8. Allegedly, the petitioner along with his associates, armed with various lethal weapons, launched an unprovoked attack upon the complainant. Specifically, the petitioner, armed with the handle of a spade, raised a *lalkara*, asking his associates to catch hold of the complainant and not let him escape. When the complainant attempted to flee on his motorcycle, all the accused including the petitioner, chased him to a paved road. At this location, the petitioner along with others surrounded the complainant. The petitioner allegedly struck the complainant on the head with the handle of a spade, causing serious injuries. Following this, the unlawful assembly of the accused collectively assaulted the complainant with their respective weapons,



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inflicting as many as 19 injuries on various parts of his body, including his head, chest, arms, legs and knees.

9. As per the complainant, the attack was motivated by a prior dispute wherein the petitioner and his associates had prohibited him from entering their area after he used to drop Harman Singh, a resident of the same village, at his home.

10. *Prima facie*, there are, therefore, serious and specific allegations against the petitioner for which this Court does not deem it fit to extend the concession of regular bail to the petitioner at this stage, more so, when recording of the prosecution evidence has not yet commenced. Accordingly, the instant petition stands 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.

05.12.2024
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(MANJARI NEHRU KAUL)
JUDGE

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