



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40464-2024
Date of Decision:-09.09.2024

JAGDISH RAM

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Shivoy Dhir, Advocate, for the petitioner.

 Mr. Adesh Pal Singh, AAG, Punjab.

 Mr. Amit Sharma, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of affidavit dated 08.09.2024 of Assistant Commissioner of Police, (East) Ludhiana, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023(BNSS), the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-2) detailed as under:-

FIR No.	Dated	Sections	Police Station
74	04.06.2024	302,506, 120-B IPC	Meharban, Ludhiana

3. Heard.



4. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that there was a dispute with the complainant and his father regarding sewerage water in front of the petitioners house and the complainant has lodged a false complainant against the petitioner and his family members, although they are innocent. He contends that the petitioner was not present at the time of occurrence and had gone to Dera, and even otherwise no specific overt act has been attributed to the petitioner. Hence he prays for grant of bail to the petitioner.

5. *Per contra* learned State counsel assisted by learned counsel for the complainant have assailed these arguments by submitting that the petitioner had actively participated in the occurrence wherein all the accused including the petitioner had given multiple injuries on the person of the deceased leading to his death. They contend that the petitioner and other co-accused had given brutal beatings to the father of the complainant in connivance with each other, hence they prayed for dismissal of the petition.

6. After considering the arguments and perusing the record, it transpires that as per the case of the prosecution on 02.06.2024 at about 9:30 pm the father of the complainant alongwith the brother of the complainant were trying to remove the sewerage water standing outside their house then their neighbour Amarjit Kaur alongwith her husband i.e. the present petitioner, Rani, Binder, Bindri, Vicky and other persons came there and started opposing the father of the complainant from removing the sewerage water and then accused Amarjit Kaur pushed the complainant's father, as a result of which he fell down and on lalkara being raised by Amarjit Kaur and

Rani all the accused started giving beatings to him. Amarjit Kaur sat on the chest of the complainant’s father while the petitioner gave repeated kick blows to him, Vicky gave repeated kick blows on his ribs and stomach, then Bindri caught hold of him from hair and hit a brick on his head, as a result of which the complainants father fell unconscious. He was shifted to hospital where he succumbed, accordingly FIR was registered.

7. It also transpires that there are serious allegations against the petitioner having participated alongwith other co-accused in the occurrence leading to the death of the father of the complainant. Therefore, in these circumstances, considering the nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

09.09.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No