

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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2024:PHHC:010701

CRM-M-49712-2022

Date of decision: January 25th, 2024

Jagpreet Singh @ Jaggu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vishal Khatri, Advocate
for the petitioner.

Mr. Luvinder Sofat, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.243 dated 25.09.2021 registered under Sections 307, 323, 324, 326, 148 and 149 of the IPC (Section 326 of the IPC added later on and Section 325 of the IPC stands deleted) at Police Station Kamboj, District Amritsar.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand and attributed an injury with a *datar* on the right side of the head of injured Jasbir Singh. He submits that the falsity of the prosecution version is clearly evident from the fact that there is no medical corroboration qua the same. He submits that even otherwise no specific opinion is on record with respect to any of the injuries being found to be dangerous to life. It has further been submitted that after the challan was presented on 30.05.2022, it was followed by framing of charges, however, till date, not even a single witness out of the 25 cited by the prosecution had been examined. Hence, there was no possibility of the trial concluding in the near future. A prayer has, therefore, been made in the aforementioned facts and circumstances that the petitioner be extended the concession of bail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Sarwan Singh, has controverted the submissions made by the counsel opposite. It has been submitted that the petitioner was not only part of an unlawful assembly but a perusal of the FIR would clearly reveal that it was a premeditated attack carried out by all the accused including the petitioner, who was armed with a lethal weapon i.e. *datar*. It has further been submitted that the FIR was lodged promptly; the petitioner was specifically named therein including the role played by him in the occurrence in question. Learned State counsel has asserted that in an occurrence of this kind, it was not possible for an eyewitness to give an exact account of the seat of injuries inflicted by each of the attackers. Learned State counsel has still further submitted that since the prosecution evidence has not yet commenced, in case the petitioner is enlarged on bail, there is every likelihood that he would tamper with evidence and also try to influence the witnesses.

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

5. A perusal of the allegations levelled in the FIR, reveal that it was a premeditated attack carried out by all the accused including the petitioner; the accused were armed with lethal weapons and inflicted multiple injuries on as many as 4 persons. *Prima facie*, there are serious allegations against the accused including the petitioner, who actively participated in the alleged occurrence. The prosecution evidence is yet to be recorded. Hence, at this early stage, no ground is made out to enlarge the petitioner on bail.

6. The instant petition stands dismissed.

7. 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.

January 25th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No