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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51208-2024

Date of Decision : 11.11.2024

Joga Singh @ Jogga

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Nitin Narula, Advocate
for the petitioner.

Mr. Vinay Kumar Malhotra, DAG Punjab

Mr. Madan Sandhu, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

1. Apprehending arrest in FIR No.0101 dated 18.09.2024, under Sections 118(2), 118(1), 115(2) and 3(5) of BNS, registered at Police Station Bhindi Saidan, District Amritsar Rural, the petitioner has preferred this petition under Section 482 of BNSS, 2023 for grant of anticipatory bail.

2. The contents of the above-mentioned FIR are reproduced herein below :-

“Statement of Gurpreet Singh son of Satpal Singh resident of Village Tanana Police Station Bhindi Saidan District Amritsar, aged about 22 years Mobile No.8872134166 stated that I am the resident of the said address and do labour work. We are three brothers and one sister. Out of which I and my second brother Sukhdev Singh son of Satpal Singh and sister Lakhwinder Kaur daughter of Satpal Singh are married and my youngest brother Sunny Singh is un-married. We



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all live with our mother Paramjit Kaur wife of Satpal Singh. My father Satpal Singh has died 15 years ago. On dated 17-08-2024, the time would be around 9-00 PM that there was a lot of noise in the street outside our house. When I came out of my house in the street, I saw Jogga Singh son of Dalbir Singh armed with Datar, Buta Singh son of Dalbir Singh armed with baseball bat, residents of Village Tanana and Kala Singh son of Seeso Singh resident of Village Bhindi Saidan at present resident of Village Varian armed with Sword along with two unknown persons standing in the street and were abusing us. When I stopped them from abusing then said Buta Singh raised a lalkara and said "Catch hold him today, let him have fun for asking our father for money back every day", in the meantime said Jogga Singh gave a Datar blow which hit me on the head and at the same time the said Kala Singh gave me Sword blow which hit me on the forehead and Buta Singh gave a baseball bat blow which hit me on the left arm. I fell on the ground. On my lying down Buta Singh gave a baseball bat blow which hit me on the left thigh. I started shouting "Maar Ditta Maar Ditta", on listening the noise my younger brother Sukhdev Singh son of Satpal Singh resident of Village Tanana came forward to rescue me, then said Kala Singh gave a Sword blow which hit on the left side of the head of my brother Sukhdev Singh and at the same time Buta Singh gave baseball bat blow which hit on the left knee of my brother Sukhdev Singh. Then my brother Sukhdev Singh also fell on the ground. We started shouting "Maar Ditta Maar Ditta". On listening our noise Sukhpal Singh son of Shinda Singh resident of Village Vehra at present resident of Village Tanana came on the spot and other people living in the street started gathering. After seeing Sukhpal Singh and gathering of people then the said persons ran away from the spot along with their weapons. Then Sukhpal Singh arranged a vehicle and got me and my brother Sukhdev Singh admitted to the Civil Hospital Lopoke where Doctor on dated 20- 08-2024 referred me to Guru Nanak Dev Hospital Amritsar where my continued treatment brother Sukhdev Singh was



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treated at and Civil Hospital Lopoke. In this regard until today the respectable persons of the village and relatives tried to affect a compromise between us, but it has not come to an end. The irony is that about 07 years ago there was marriage of the daughter of Dalbir Singh son of Atma Singh and we gave 25000/- Rupees as a help for the marriage of his daughter. Due to which we used ask for 25000/- Rupees from Dalbir Singh. But the said Dalbir Singh returned us 8000/- Rupees and was not returning the remaining 17000/- Rupees. That is why said persons got together and gave beating to me and my brother Sukhdev Singh. In this regard today I along with my younger brother Sukhdev Singh son of Satpal Singh resident of Village Tanana and Sukhpal Singh son of Shinda Singh resident of Village Vehra at present resident of Village Tanana are present at the Police Station to record the statement. Statements have been recorded to you, heard and are correct. Action be taken against the said persons and justice be provided to us.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and there is delay of 30 days in lodging the FIR. The alleged occurrence took place on 17.08.2024 at about 9.00 p.m. and the FIR has been registered on 18.09.2024 at 5.20 p.m.

4. Per contra, learned State counsel submits that as per the version of the complainant Gurpreet Singh, the petitioner armed with a datar alongwith the other co-accused attacked the complainant and his brother Sukhdev Singh and caused injuries upon him in furtherance of their common intention. The petitioner is attributed injury on the head of Gurpreet Singh with blow of datar, which was declared grievous in nature. He further submits that the evidence against the petitioner is in the form of oral statement of the complainant Gurpreet Singh



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corroborated with his Medico-Legal Report. The petitioner has caused injury on the head of Gurpreet Singh, which is marked as Injury No. 1 in the MLR of the Gurpreet Singh. The relevant portion of the description of the injury inflicted upon Gurpreet Singh and opinion given by the doctor is as under:

"An incised wound measuring 5x0.5cm present on vertex of head in middle, which is 14 cm from middle of both eyebrow. No active bleeding. Kept under observation for xray head."

Opinion

"Injury No. 1 which was kept under observation for xray head show no underlying bony fracture but CT head report from GNDH ASR with x-ray No. 926.MLC dated 28.08.2024 show fracture of outer cortex of right parietal bone, underlying brain parenchyma is normal. Hence injury declared grievous in nature by board of doctors formed by SMO CHC Lopoke.

Injury No. 2 and 4 which were kept under observation for xray show no underlying bony injury. Hence are declared as simple in nature."

Learned State counsel further submits that the petitioner is not entitled to concession of a pre-arrest bail in view of seriousness of the allegations and gravity of the offence committed by him. His custodial interrogation is genuinely required for the fair investigation of the case, recovery of datar used by him during the occurrence and to ascertain the identities of the unidentified co-accused accompanying him at the time occurrence, to take the investigation to its logical conclusion to prove the prosecution case during the trial.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. There are serious allegations leveled against the petitioner. The petitioner has been attributed an injury on the head of the complainant – Gurpreet



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Singh with a datar blow, which has been declared grievous in nature. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

- 7. The petition is dismissed.
- 8. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

11.11.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No