

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-53108-2024  
Reserved on: 11.11.2024  
Pronounced on: 26.11.2024

Jagtar Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arshdeep Singh Brar, Advocate  
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

Mr. Savreet Singh Brar, Advocate  
for the complainant.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                       | Sections                                                           |
|---------|------------|--------------------------------------|--------------------------------------------------------------------|
| 78      | 27.04.2024 | City Kotkapura,<br>District Faridkot | 324, 323, 506, 148, 149 IPC<br>(Section 307 IPC added later<br>on) |

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 20 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*“3. That the instant FIR No. 78/2024 (supra) has been registered on the basis of statement of eye witness Manjit Singh s/o Pohla Singh rio Muktsar Road, Kotkapura recorded on 27-04-2024, who stated that "his cousin sister Baljit Kaur w/o Beant Singh and her mother in law Bimla Devi was allotted 04 kanals of land bearing khasra no. 476/6 being a member of Scheduled Caste land owing society. On 25-4-2024, he along with injured Barjinder Singh were harvesting the crop from land. At 09-30 PM, Jagtar Singh armed with gandasa, Surjit Singh armed with Kirpan, Sukhdev Singh was holding a daang, Amrik Singh alongwith unknown persons came and raised lalkara to catch them and to teach lesson for harvesting crop. They caused injuries to Barjinder Singh and when he raised alarm, they left*

*the place by extending threats. The intentions of the accused was to take forcible possession of land of his sister. Initially the victim was brought to Civil Hospital, Kotkapra and then to GGS Medical College, Faridkot but condition of injured was critical and referred to DMS Ludhiana. Acting upon the information, initially offence u/s 324/323/506/148/149 IPC was registered against present petitioners among Surjit Singh, Sukhdev Singh and unknown accused."*

4. *That initially the information was received on 27-4-2024 regarding injured Barjinder Singh s/o Tejinder Singh r/o Kotkapura who was under treatment at DMC Hospital, Ludhiana. The police visited the injured victim at DMC Hospital but the victim was not in a fit medical condition to make statement. However at Kotkapura, MLR No. 35910 dated 26-04-2024 pertaining to injured victim Barjinder Singh was reflecting total 5 (five) sharp injuries on his person. All the injuries were kept under examination of NCCT and X-ray respectively. Acting upon the information and medical condition of the injured victim, initially the offence u/s 324, 323, 506, 148, 149 IPC was registered against following accused:*

- i) Jagtar Singh - present Petitioner*
- ii) Surjit Singh s/o Kesar Singh*
- ii) Sukhdev Singh s/o Hazura Singh*
- v) Amrik Singh s/o not known*

5. *That the injured victim Barjinder Singh was under treatment at DMC, Ludhiana. In furtherance of the application made by Investigation officer, the concerned Surgeon, rendered his final opinion dated 18-5-2024. As per the Neurosurgery opinion, the injury no. 1,2,3 was SDH, measuring 4 MM right parietal area sub galeal Hematoma measuring 8 MM-in maximum thickness right parietal region and Injury no. 4 was Communited fracture left parietal bone. The injuries no. 1 to 4 of Barjinder Singh was declared Dangerous to Life and Injury no. 5 was declared simple in nature. Consequent thereto enhancement of offence u/s 307 IPC has been made vide DDR No. 46 dated 25-5-2024.*

6. *That for better appreciation of facts and role of the accused, the injury chart is given as under:*

| Injury No. | Accused who caused injury | Weapon  | Seat of Injury            | Nature of Injury  |
|------------|---------------------------|---------|---------------------------|-------------------|
| 1          | Jagtar Singh-Petitioner   | Gandasa | Right front parietal area | Dangerous to life |
| 2          | Surjit Singh              | Kirpan  | Right parietal area       | Dangerous to life |
| 3          | Jagtar Singh              | Gandasa | Right temporal area       | Dangerous         |
| 4          | Surjit Singh              | Kirpan  | Left fronto parietal area | Dangerous         |
| 5          | Jagtar Singh              | Gandasa | Left hand                 | Simple            |

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.
6. The complainant's counsel also opposes the bail.
7. It would be appropriate to refer to the following portions of the status report, which read as follows:

*"5. That the present Petitioner is one of the prime culprit of this case. The Petitioner was armed with a sharp weapon and caused three consecutive blows of his gandasa upon the victim-Barjinder Singh with intention to kill him. The intention of the Petitioner is evident from the nature of injuries. The Petitioner had inflicted all the three injuries upon the head of victim, which is vital body part and injuries were declared dangerous to life in final medical report. The injured victim could survive with the help of timely medical treatment. The FIR was duly endorsed by the injured Victim Barjinder Singh during investigation. Statement of Barjinder Singh was recorded in verbatim who also established the culpability of present petitioner and attributed the specific injuries to the Petitioner as were already recorded in FIR."*

8. It shall be relevant to refer to paras 4 to 6 of the bail petition, which read as follows:

*"4. That earlier also the complainant party used to interfere the peaceful possession of Sukhdev Singh on the said land, which is adjoining the land of complainant party. Sukhdev Singh filed a suit for permanent injunction with regard to said suit which was decreed in his favour vide decree dated 07.08.2014. Copy of the decree dated 07.08.2014 is annexed herewith as Annexure P-3.*

*5. That despite of passing the said decree, the complainant party did not amend their ways and ultimately they were sentence to undergo SI for a period of 15 days as they were held guilty of attempt by the Court of Ld. Additional Civil Judge, Faridkot vide order dated 08.02.2024. a copy of the order dated 08.02.2024 is attached as Annexure P-4.*

*6. That even thereafter, Sukhdev Singh was constantly being harassed by the complainant party on one pretext or other by harvesting the crops of the said land and Sukhdev Singh made complaints to the SHO Police Station City Kotakpura, DSP Kotakpura and SSP Faridkot. Copies of the complaints given by Sukhdev are attached as Annexure P-5 to P-7."*

9. Even if all the contents, as stated in paras 4 to 6, are accepted to be true, it will still not give the petitioner the right to take the law into his own hands. Prima facie is not a case of exercising the rights of private defense.
10. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.
11. Given the minimum sentence prescribed for the offenses, the petitioner's custody

of around seven months cannot be termed prolonged.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)  
JUDGE

26.11.2024  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.