



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56531-2024
Date of Decision:13.11.2024

Jasvir Singh @ Phuman ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Naveen Batra, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C with a prayer to grant anticipatory bail to him in case FIR No.02, dated 07.01.2024, under Sections 324,34 of IPC and Sections 326 and 307 of IPC (added subsequently), registered at Police Station Nangal, District Rupnagar (Annexure P-1).
2. The FIR in the present case was registered on the basis of the statement made by Rajesh Kumar, injured and the same has been reproduced below:-

“Copy of Rapat, "at 06:40 PM at this I SI along with fellow police personnel came to CH/APS to record the statement of injured Rajesh Kumar S/o Sidh Pakh R/o Lower Daroli, PS. Nangal District Rupnagar aged about 32 years. Mob. NO.7696362072. The contents of statement are "stated that I am resident of aforementioned address I am doing the work of building. In these days, I am working on the construction site of

bridge near new bus stand Rupnagar. On 01.01.2024 at about 11:20 AM I was present in my home then adjoining to our house, Khuman @ Jabir S/o Amru and his wife Usha, who behind my back harassing my wife and children. I asked him then Jasbir and his wife caught hold of me and Jasbir hit me with Kohada in my head and it hit on the upper side of left eye then again it hit in the head and his wife Usha gave iron rod blow on head. On hearing the noise my wife Anjali and neighborer Gurpreet Kaur came out and with great difficulty they saved me from them and my children were present on the spot. Blood oozed out. They slipped away with their weapons by giving threats. My wife and other relative get admitted me in CH/APS for treatment where treatment is going on. Earlier their son was harassing my family. On whose instance this quarrel occurred, action be taken, statement is recorded. At the time of quarrel the chain and phone of my wife Anjali also fell and was not found and the same be searched. SD/- Rajesh Kumar”.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case, which was registered after a delay of seven days of the occurrence. He further contends that the FIR was initially registered under Sections 324,34 of IPC and the petitioner and his wife were arrested on 08.01.2024 and since the offences were bailable, they were ordered to be released on bail. Learned counsel further contends that after a delay of nine months, an opinion has been sought from the Rajendra Medical College and Hospital, Patiala and the offences under Sections 326 and 307 of IPC have been added by the police with an ulterior motive and they apprehend eminent arrest on false and fabricated report.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. As per him, Rajesh Kumar, injured had suffered the following injuries:-

1. 4 x 0.3 cm laceration over left eye brown. Advise surgery opinion.
2. 8 x 1.5 cm laceration over right occipital region. Advise surgery opinion.
3. 7 x 0.5 cm incised wound over right parietal bone near midline. Advise surgery opinion.

As per him, on 04.10.2024, an opinion from the doctor of PGIMER, Chandigarh was obtained regarding the nature of injuries and the following opinion was recorded by the doctors:-

“As per report by Department of Radiolagnosis Rajindra Hospital, Patiala Via report No.MLC/CT/RK/2023/18 NCCT Head shows muepple hemoshaic contusion so injury No.1, 2 are grievous in nature.”

He further contends that on 10.09.2024, the doctors of PGIMER, Chandigarh gave opinion regarding injury No.3 and the following opinion was recorded by the doctors:-

“As per report by Department of Radiolagnosis Rajindra Hospital, Patiala via report No.MLC/CT/RK/2023/18 NCCT Head shows fracture of left parietal bone. Report duly signed and stappled by Dr. Ritika Khurana in MO No.3 Opinion after receiving this report the concerned injury is declared as grievous in nature MLR No.22/MPK/AP3/2023 injury No.3 grievous in nature. This injury can be endangered to life.”

Learned State counsel further submits that after seeking opinion from the doctors of PGIMER, Chandigarh the offence under Sections 326 and 307 of IPC have been added in the instant case. Injury no.3, which is incised wound 7 x 0.5 cm over right parietal bone near midline was a serious injury and has been caused by the present petitioner by inflicting a blow with an axe.

5. I have heard the rival submissions made by learned counsel for the parties and perused the record.

6. In the present case, a specific role has been assigned to the present petitioner and the injury which was attributed to him, has been declared to be grievous in nature. Thus, keeping in view the gravity of the offence, the petitioner is not entitled to the concession of anticipatory bail. Apart from that, the custodial interrogation of the petitioner is required for the recovery of weapon of offence and the present petition deserves to be dismissed by this Court.

13.11.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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