



::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(213) CRM-M-62922-2023 (O & M)
Date of decision:07.05.2024

Sanjeevan Kumar @ Jiwan Kumar

.... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Jasmeet Singh Ghumman, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Onkar Rai, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.0002 dated 01.01.2022 under Sections 326, 323, 506 and 34 IPC registered at Police Station Bilga, Distt. Jalandhar Rural.

2. The present FIR came to be registered at the instance of Harman Leel and reads as under:-

"A Statement of Harman Leel S/o Piara Chand Rio Patti Bhatti, Bilga, PS Bilga aged about 24 years Phone No. 81968-74695. I am resident of above said address. We are three brothers and sisters. Both my sisters are doing private job. Near our house for domestic use we have kept wood in the guest house of Shri Guru Ravidas Ji on 27.12.2021. In the evening my younger sister Ambika and my mother Paramjit Kaur had gone to get medicine. My elder sister Renu Bala was studying at home. At about 6 PM in the evening, in our neighborhood, my nephew Harsh aged about 14 years was foul mouthing with someone and was spreading around the woods kept in the rest house. My sister Renu Bala stopped him from doing so and he went to his house foul mouthing my sister. At about 6 PM I and my sister



::2::

Renu Bala were standing in the lane getting milk from the milkman that Jiwan Kumar S/o Piara Lal along with his Sister in Law Rachna W/o Pawan Kumar and his sister Monika came near us and started to argue with us. I told them not to argue with us. Rachna and Monika held me from my arms and Jiwan Kumar who had a punch in his right hand gave a blow on my face which hit my left eye because of which my left eye fell out. I fell down and when my sisters came forward to rescue me they also beat them up. On hearing the ruckus my father came out and on seeing him all of them ran away from the spot. My father arranged for a vehicle and took me to DMC Ludhiana. The doctors gave me first aid and stopped the bleeding from my eye and told me that proper treatment for my eye would not be available at DMC Ludhiana and referred me to PGI Chandigarh. After consulting with our relatives, I was taken to PGI Chandigarh. All the accused with common intention have given beatings to me and my sister. Legal action be taken against them. Have got my statement recorded. Have heard it. Is correct. Signed. Harman Leel. Action taken by police: 28.12.2021 I ASI was on duty that I received a telephone from Police Chowky DMC Ludhiana regarding admission of Harman Leel in DMC Ludhiana. One MLR no. KL/24/PHC/2021 dated 28.12.2021 regarding Renu Bala was revived by me in which the doctor had recorded 2 injuries with blunt weapon which are simple. On 29.12.2021 I got a chit from PS Chowky DMC Ludhiana regarding the injured and contacted the family of the injured from whom I got to know that they had shifted the injured to PGI, Chandigarh. I ASI along with colleagues reached PGI Chandigarh, Ophthalmology Department where the injured Harman Leel got his statement recorded. In the medical report [no.CR.No.](#) 4162791 dated 28.12.2021 the doctor recorded regarding the injury to the left eye of the injured as follows: The patient was brought with PL -ve status in AEC with all intraocular contents outside. The primary corneal repair was close in view of persisting damaged eye. There is nil visual



::3::

progress. Further surgery was dirw to provide teefonic support to the globe only. As per the statements and doctor report offences U/s 326, 323, 506, 34 IPC are made out. Signed Harvinder Singh ASI, PS Bilga. Dated 01.01.2022”.

2. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, an exaggerated version had been given by the complainant to implicate the petitioner and his family members. It is a case of version and cross-version where the petitioner has received injuries and DDR No.31 dated 03.01.2022 stands registered. As the petitioner was in custody since 30.01.2022 but none of the 13 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

3. The learned counsel for the State alongwith the counsel for the complainant/respondent No.2, on the other hand, contend that the petitioner caused an injury with the punch on the eye of the complainant causing complete loss of vision. Though, the offence was under Section 326 IPC, the petitioner could be sentenced to life imprisonment. Therefore, the nature of the allegations levelled against the petitioner and the manner in which the occurrence took place did not entitle him to the grant of concession of bail. They, however, concede that the petitioner was in custody since 30.01.2022 and that none of the 13 prosecution witnesses had been examined so far.

4. I have heard the learned counsel for the parties.

5. I am conscious of the fact that it is a case of version and cross-version and the petitioner continues to be in custody since 30.01.2022.

However, in the instant case, the allegation against the petitioner is of having

given a punch blow on the eye of the complainant which has led to complete



::4::

loss of vision in the left eye. Therefore, though, the FIR stands registered under Section 326, 323, 506 and 34 IPC, the petitioner is liable to be sentenced to life imprisonment if he came to be convicted. Therefore, keeping in view the nature of the allegations levelled, I do not deem it appropriate to grant the concession of bail to the petitioner. Resultantly, the present petition stands dismissed.

6. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but, in any case, not later than one year from the next date fixed before it.

(JASJIT SINGH BEDI)
JUDGE

May 07, 2024
sukhpreet

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