

surgery opinion was reported. In MLR no. SK/72/CH SNG/24 dated 27.10.2024 of Jasvir Kaur, 3 injuries as blunt kept for surgery and ortho opinion were reported. ASI Onkar Singh recorded the statement of Baljit Kaur wife of Sukhwinder Singh resident of Kanjla, wherein she stated that on 27.10.2024 at 8:30 PM when she (complainant) was present on the roof of her house and her daughter Sachdeep Kaur was standing near the gate of her house and attended the phone call, then Jagjit Singh son of Shaminder Singh (jeth of complainant), who was having stick in his hand, came and just after coming, he scuffled with her daughter Sachdeep Kaur. Sachdeep Kaur raised noise, upon which, Shaminder Singh, who was armed with spade (kasi) also came over there and he hit with spade on the right hand of Sachdeep Kaur. Then she (complainant) came down from the roof of her house and tried to save her daughter from them, however, both of them (Jagsir Singh @ Jaggi and Shaminder Singh) gave stick, fist and leg blows to her and due to which, she received injuries on her head and forehead. On hearing noise, her sister-in-law Jasvir Kaur (deorani) came over there and then both of them inflicted injuries to her also. Injured Sachdeep Kaur and Baljit Kaur were referred to Rajindera Patiala and from where Sachdeep Kaur was referred to PGI, Chandigarh ASI Onkar Singh reduced the said statement into DDR No. 26 dated 29.10.2024 that from the statement of Baljit Kaur, the matter was found to be a family dispute and inquiry into the matter is required to be conducted and further necessary action would be taken on the basis of facts which would come after the completion of inquiry. Then on 02.11.2024, ASI Onkar Singh conducted inquiry into the said DDR no. 26 dated 29.10.2024 and it was found that Shaminder Singh son of Garibu Singh and Jagsir Singh @ Jaggi son of Shaminder Singh residents of Kanjla, P.S. Sadar Dhuri have caused injuries to Baljit Kaur, Sachdeep Kaur and Jasvi aur. So, the prima facie offence u/s 115(2), 118(1), 3(5), 79 BNS was found to be made out against Shaminder Singh and Jagsir Singh @ Jassi and accordingly, the present FIR was registered against Shaminder Singh and Jagsir Singh @ Jassi.

3. That during the investigation a rough site plan of the place of occurrence was prepared. Statements of witnesses u/s 180 BNS were recorded. On 03.11.2024, Baljit Kaur (complainant of the case) recorded her supplementary statement before the Investigating Officer that, "due to nervousness, earlier I recorded in my statement that Shaminder Singh (her brother-in-law) gave kasia blow on the right hand of my daughter Sachdeep Kaur, but now I came to know that the injury on the right hand of my daughter Sachdeep Kaur was inflicted by Jagsir Singh @ Jaggi with

axe (Kulhari) and not with stick". The medical record of injured Sachdeep Kaur and Baljit Kaur is being obtained from Rajindera Hospital, Patiala and PGI Chandigarh and after obtaining the complete medical record, report regarding nature of injuries will be obtained from the doctor."

4. The petitioner's counsel submitted that the main injury is not attributed to the petitioner but to the petitioner's father, who is already in custody. It was an individual act, and the petitioner did not share any common intention to cause such an injury.

5. 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.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“xxxx Injury no. 1 on the person of Sachdeep Kaur was inflicted by the accused Jagsir Singh @ Jaggi (now petitioner) with axe, due to this injury the bone of right hand of Sachdeep kaur was cut. On the basis of said injury, offence u/s 118(2) BNS was added. So, keeping in view the seriousness and gravity of offence, the petitioner/accused Jagsir Singh @ Jaggi is not entitled for the grant of anticipatory bail, rather his custodial interrogation is required, so as to recover the weapon used in the crime and so complete the investigation in a proper manner.

$$X \qquad x \qquad x \qquad x \qquad x$$
7A *ROLE OF THE PETITIONER JAGSIR SINGH @JAGGI*

The present FIR was registered against accused/petitioner Jagsir Singh @ Jaggi and co-accused Shaminder Singh on the basis of statement of Baljit Kaur. It was duly substantiated during the course of investigation that on 27.10.2024, accused/petitioner Jagsir Singh @ Jaggi and his co-accused Shaminder Singh in connivance with each other gave beatings to Baljit Kaur, Sachdeep Kaur and Jasvir Kaur and inflicted one injury to Sachdeep Kaur, 2 injuries to Baljit Kaur and 3 injuries to Jasvir Kaur. Injury no. 1 on the person of Sachdeep Kaur inflicted by the accused Jagsir Singh @ Jaggi (petitioner) with Kulhari, due to this injury the bone of right hand of Sachdeepkaur was cut.

On the basis of said injury, offence u/s 118(2) BNS was added. So, a specific role is attributed to the petitioner in the commission of present offence.

B. THE EVIDENCE AGAINST THE PETITIONER

The present FIR was registered against accused/petitioner Jagsir Singh @

Jaggi by name. Injured Sachdeep Kaur specifically mentioned in her statement that Jagsir Singh @ Jaggi (now petitioner) gave axe blow on her right hand.

From the statements of witnesses under section 180 of the BNSS it clearly revealed that the petitioner played an active role in the commission of the present offence, as he caused injury on the right hand of complainant, due to which, her hand was cut."

8. The wrist of the victim is cut more than half, affecting the bones, and it might cause a permanent disability. The petitioner acted in cruelty, and the motive was the alleged extramarital affairs, which is the person's choice, and the accused had no legal authority to assault the victim and her companions on this count.

9. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life. [In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].

10. The offense is heinous, and the crime brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

11. 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 anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

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

18.12.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.