

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-15908 of 2015

Date of Decision: 18.8.2015.

Rajwinder Singh @ Raju and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.S.Gill, Advocate
for the petitioners.

Mr. J.S.Sekhon, AAG, Punjab

Mr. Sandeep Arora, Advocate
for the complainant.

SABINA, J.

Petitioners have filed this petition under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in FIR No. 136 dated 20.8.2014 under Section 302, 34 of the Indian Penal Code, 1860, registered at Police Station Mehatpur, District Jalandhar.

Learned counsel for the petitioners has submitted that the petitioners were not initially named in the FIR which was registered on 20.8.2014 on the basis of the statement of Sarwan Singh, father of the deceased. Sarwan Singh made another statement after three days on 23.8.2014 wherein he named the petitioners and introduced motive qua them. In the initial statement made by the complainant, he had stated that Jaspal Singh and Jagroop Lal had inflicted injuries on the person of his son whereas in his supplementary statement, complainant averred that instead of Jagroop Lal accused, Jaspal Singh was

accompanied by the petitioners. Petitioners had been falsely involved in this case.

Learned State counsel, who is assisted by the counsel for the complainant, on the other hand, has opposed the petition.

In the present case, petitioners are in custody since 6.9.2014. Challan has already been presented in the Court. As per the initial version of the complainant, the deceased was inflicted injuries by Jaspal Singh and Jagroop Lal. FIR was registered on 20.8.2014. Thereafter, the complainant suffered a supplementary statement on 23.8.2014 and averred that in fact, three persons were inflicting injuries on the person of his son i.e. Jaspal Singh and the petitioners. Complainant stated that Jagroop Lal had been wrongly named by him at the time of registration of the FIR.

Since the petitioners were not initially named in the FIR and they were named by the complainant after three days and further the fact that initially the case of the complainant was that two persons were inflicting injuries on the person of his son and thereafter he has stated that three persons were inflicting injuries on the person of his son, it would be just and expedient to order the release of the petitioners on bail.

Accordingly, without expressing any opinion on the merits of the case, this petition is allowed. Petitioners be admitted to bail subject to the satisfaction of Chief Judicial Magistrate, Jalandhar.

**(SABINA)
JUDGE**

August 18, 2015
Gurpreet