

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-41518 of 2015 (O&M)
Date of decision: 29.01.2016**

Jaggi Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. K.B.S. Mann, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG Punjab.

...

TEJINDER SINGH DHINDSA, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in FIR No.30 dated 23.02.2015, under Sections 452, 323, 148, 149 of Indian Penal Code, 1860 ('IPC' for short) (Section 308 IPC added later on), registered at Police Station Sangat, District Bathinda.

Prosecution story, in brief, is that on 22.02.2015 at about 7:15 PM, complainant along with Kaur Singh were having dinner in their house. In the meantime, Babbi Singh and Shivraj Singh armed with gandasas, Chandu alias Raja, Mona Singh armed with sticks, Ruldu Singh and Rogha Singh armed with gandasas, Pokhar Singh armed with stick, Jaggi Singh (petitioner) armed with iron rod came to their street which ended in the house of the complainant. Babbi Singh raised a lalkara and gave a gandasas blow on the head of the complainant. Shivraj Singh gave a gandasas blow on the head of Kaur Singh. Chandu Singh gave a stick blow on the left arm of the complainant. Petitioner gave an iron rod blow on the head of Kaur Singh. Kaur Singh fell on the ground and more injuries were inflicted on his person by the accused. Ruldu Singh pressed his stick in the abdomen of the

complainant. Pokhar Singh gave two stick blows on the left arm of Kaur Singh. Chandu Singh gave a stick blow on the left arm of Kaur Singh.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 01.10.2015. Challan has already been presented in the Court and conclusion of trial may take time. Injured have been discharged from the Hospital.

It has gone uncontroverted that co-accused, Shivraj Singh who is identically situated as the present petitioner and had been attributed a gandas blow on the head of Kaur Singh had been granted the benefit of bail by a coordinate Bench of this Court in the light of order dated 06.11.2015 passed in CRM No.M-30884 of 2015.

Learned State counsel, on the other hand has opposed the petition.

Keeping in view the fact that the petitioner is in custody since 01.10.2015 and is not required for further investigation as challan has already been presented in the Court, it would be just and expedient to order the release of the petitioner on bail.

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

Disposed of.

29.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**