

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

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CRM-M-445-2016
Date of decision:13.01.2016

Jaskaran Singh @ Chhaga

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. S.S.Sidhu, Advocate
for the petitioner.

Mr.R.S.Randhawa, Addl.A.G., Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail pending trial in case FIR No.56 dated 09.06.2015 under Sections 307, 458, 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, registered at Police Station Sadar Bathinda, District Bathinda.

Counsel for the parties have been heard at length.

FIR in question was registered on the statement of Gurmail Singh. Occurrence pertains to the intervening night of 8/9.06.2015. Complainant alleged that the present petitioner Jaskaran Singh was on visiting terms with his elder brother Nachattar Singh and had *malafide* intention towards the wife of Nachattar Singh. Ranjit Kaur was also stated to be harassed on account of such situation. The present petitioner had been stopped from visiting the house of the brother of the complainant. It is stated that on account of such reason, petitioner had nursed the grudge.

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Pertaining to the specific occurrence of the intervening night of 8/9.06.2015, complainant states that his mother namely Hamir Kaur and sister-in-law Ranjit Kaur were sleeping in the courtyard whereas his brother Nachattar Singh was away from the house to attend his fields. At that point of time, the present petitioner armed with an iron rod had entered the courtyard and had attacked both Hamir Kaur as also Ranjit Kaur.

Petitioner has been in custody since 10.06.2015.

Counsel has adverted to the statement of Hamir Kaur, eye witness/injured in the alleged occurrence at Annexure P-2 and who has not named the present petitioner. As per Hamir Kaur-injured, it was one Geeta son of Bhola Singh, who was the intruder. Even the deposition of injured Ranjit Kaur PW1 has been referred to. In such statement, yet another version has been set up whereby apart from the present petitioner, Geeta Singh and Neeta Singh had entered the house.

It is also pertinent to take notice of the fact that offence under Section 307 IPC has been cited only on account of the opinion rendered by the doctor that possibility of the injuries being dangerous to life in the absence of treatment cannot be ruled out.

In an overview of the matter and keeping in view the length of incarceration suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the trial Court/Duty Magistrate, Bathinda.

Disposed of.

13.01.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**