

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

CRM-M-13564-2017

Date of decision:- 20.9.2017

Joginder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. A.S. Barnala, Advocate
for the petitioner.

Mr.K.S. Aulakh, DAG, Punjab.

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Joginder Singh, an accused in FIR No.01 dated 3.1.2017, under Sections 307, 323, 341, 506 IPC registered at Police Station Tallewal, District Barnala.

Briefly stated, the facts of the case as per prosecution version are that the criminal machinery in this case was set into motion by complainant – Baldev Singh son of Dayal Singh, resident of village Vidhate, Tehsil Tallewal, District Barnala, who on 2.1.2017 at about 5:30 p.m. was present at home; that his family members were also there; that in the meanwhile accused Joginder Singh son of Bachan Singh having a gandasi arrived in front of house of complainant and started abusing them; that when complainant and his wife tried to dissuade him from doing so asking him to go home, Joginder Singh gave a gandas blow hitting wife

of complainant Smt.Surinder Kaur alias Shinder Kaur on head; that she raised alarm and ran away, however, Joginder Singh intercepted her, giving her fist blow hitting her on right eye; that thereafter, he fled from the spot along with his weapon giving threat to complainant side to kill them. Injured was taken to hospital, wherein she was medically examined. One of the injury was found to be dangerous to life. Accused was arrested in this case. After completion of investigation, challan against the accused was presented in the Court and now he is facing trial in the Court. He had moved an application for regular bail but the same was declined by Sessions Judge, Barnala vide order dated 28.2.2017, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have given a thoughtful consideration to the rival contentions besides going through the record.

Learned counsel for the petitioner has contended that actually Angrej Singh @ Jassi son of Baldev Singh, complainant in the case had attacked the petitioner and assaulted him causing head injury to him, besides that Jassi had outraged the modesty of Ramandeep Kaur @ Sukhpreet Kaur daughter of applicant/accused regarding which FIR No.8 dated 15.1.2017, under Sections 354, 354-D, 506 IPC was registered at Police Station Tallewal and this FIR has been got registered as a counter-blast to exert pressure upon the complainant not press the said FIR. It is further contended that offence under Section 307 IPC is not made out and injury on skull has not been declared as dangerous to life. The Medical

opinion is to the effect that after considering copy of MLR and other relevant record, the head injury is declared dangerous in nature. Therefore, concession of bail be granted to the petitioner.

Learned State counsel has countered the arguments stating that keeping in view the gravity of offence for which the petitioner has been booked, no ground for grant of regular bail is made out.

I on my part feel that as far as injury No.1 on skull is concerned, according to the document placed on file by the petitioner, no such injury was seen and the doctor has declared head injury dangerous in nature after seeing copy of MLR. Nevertheless the petitioner/accused had lodged FIR against son of present complainant earlier. The challan has since been filed, however, during the trial statement of any PW has not been recorded so far, as per report received from the trial Court. Its conclusion is likely to take some time. As such, I find it proper and appropriate if concession of regular bail is granted to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Barnala. The trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and give any threat or intimidation to the prosecution witnesses.

This petition stands allowed accordingly.

20.9.2017
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No