

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

CRM-M-10879-2018

Date of decision:- 18.5.2018

Joginder Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Tarun Vir Singh Lehal, Advocate
for the petitioner.

Mr.C.L. Pawar, Sr.D.A.G., 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.44 dated 9.7.2015, under Sections 307, 324, 34 IPC and 27 of Arms Act, registered at Police Station Dera Baba Nanak, District Gurdaspur.

Briefly stated, the facts of the case as per prosecution version are that on 8.7.2015 at about 6:30 p.m. when complainant Balwinder Singh son of Darshan Singh, resident of village Abdal, Police Station Dera Baba Nanak aged about 55 years along with his nephew Amrik Singh was standing outside their house, then Joginder Singh son of Ajit

Singh (present petitioner) empty handed, his son Jaskaran Singh @ Laddi, armed with sickle and his other son Jaspreet Singh alias Goldy armed with rifle 12 bore gun and Harbhajan Singh empty handed came there; that Joginder Singh raised a lalkara that the complainant and his nephew should be caught hold of and taught a lesson for having an altercation with them, hearing that Harbhajan Singh and Satnam Singh caught hold of Amrik Singh from his arms and Jaskaran Singh @ Laddi attacked him with a sickle causing injuries on left side of his head; that when the complainant came forward to rescue Amrik Singh, then Jaspreet Singh @ Goldy fired a shot from his 12 bore gun at complainant with an intention to kill him hitting him on left hand; that the complainant and his nephew Amrik Singh raised alarm, which attracted Surjit Singh, a brother of complainant and on his arrival, the assailants ran away from the spot along with their respective weapons. The motive for the incident was that at about 9:00 a.m. in the morning on that very day, hot words were exchanged between Gurpreet Singh a son of complainant and Joginder Singh accused. Injured were taken to Civil Hospital, Dera Baba Nanak from where they were referred to Guru Nanak Dev Hospital, Amritsar after giving first aid. The complainant Balwinder Singh got his statement recorded with the police, which formed basis for registration of the FIR. The petitioner/accused was arrested in this case on 22.1.2018. He had moved an application for regular bail but the same was declined by learned Additional Sessions Judge, Gurdaspur vide order dated 1.3.2018, 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 heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that the role assigned to the petitioner in the incident is of raising lakara only and he is not alleged to be carrying any weapon or alleged to have caused any injury to complainant or his nephew; that the petitioner is behind the bars for the last four months; that though the challan has been filed but it is at preliminary stage, therefore, concession of regular bail be granted to the petitioner.

Whereas, the request is being opposed by learned State counsel vehemently.

After hearing the rival contentions of learned counsel for the parties, I find that as per the case of the prosecution, the accused was not carrying any weapon at the time of incident and he is not alleged to have caused any injury to the complainant or his nephew. The only role assigned to him is of raising a lalkara.

Without expressing any opinion on the merits of the case, I find that trial is at preliminary stage and its conclusion is likely to take some time and guilt of the accused shall be determined during the trial and his detention during that period shall not serve any purpose.

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, Gurdaspur. 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.

18.5.2018
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No