

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

CRM-M-21297-2018 (O&M)

Date of Decision:-9.10.2018

Jaswant Singh @ Jassa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.S. Hundal, Senior Advocate with
Mr. Dinesh Trehan, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

Ms. Ishma Randhawa, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.229 dated 21.11.2017 under Sections 302, 241 and 120-B of Indian Penal Code, 1860 at Police Station Beas, District Amritsar.

The FIR, in question, was registered at the instance of Dalbir Kaur, wherein it has been alleged that on the day of occurrence when her husband was returning home and reached near the tubewell of Jaswant Singh @ Jassa, then he was waylaid by Amrik Singh and his sons Kanwaljit Singh @ Boora and Mandeep Singh. While Amrik Singh was empty handed, Kanwaljit Singh @ Boora armed with a 'kahi' and Mandeep Singh was armed with a 'gandasi'. It is alleged that Amrik Singh raised a lalkara exhorting his sons to ensure that complainant's husband Balwinder Singh @ Kinda does not go scot-free and pursuant thereof Amrik Singh is stated to have caught Balwinder Singh @ Kinda, while Kanwaljit Singh @ Boora and

Mandeep Singh caused injuries to Balwinder Singh @ Kinda. When the complainant raised alarm and went forward to rescue her husband, the aforesaid assailants ran away from the spot. It is alleged that infact there was some dispute between Amrik Singh and Jaswant Singh @ Jassa regarding a plot of land and due to which the assailants Amrik Singh and his two sons, on the instigation of Jaswant Singh @ Jassa, Mahinder Singh and Kulwant Singh, had murdered her husband.

Notice of this petition was issued to the State.

The learned counsel for the petitioner has submitted that the petitioner Jaswant Singh @ Jassa has falsely been implicated in the present case and that infact he was not present at the spot and even a bare perusal of the FIR itself shows that the petitioner Jaswant Singh @ Jassa is not attributed any injury and is being sought to be implicated with the aid of Section 120-B of Indian Penal Code, 1860.

On the other hand, the learned State counsel assisted by the learned counsel for the complainant has submitted that the entire occurrence had taken place on the instigation and at the behest of Jaswant Singh @ Jassa and it is Jaswant Singh @ Jassa, who is the real accused and that in these circumstances the petitioner Jaswant Singh @ Jassa does not deserve the concession of bail.

I have considered the rival submissions addressed before this Court. Bearing in mind the fact that the petitioner Jaswant Singh @ Jassa was not present at the spot and is not attributed any injury and also that the petitioner has been in custody since the last about 10 months and the challan has already been presented, in my opinion, no useful purpose would be

served by further detaining the petitioner behind bars as the trial in its normal course is likely to take some time for its conclusion. The present petition, as such, is accepted and the petitioner-Jaswant Singh @ Jassa is ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Amritsar.

The present petition stands accepted accordingly.

9.10.2018
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No