

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36194-2018 (O&M)
Date of decision:17.10.2018

Jodhbir Singh @ Jodh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gursimran Singh Bhatia, Advocate for the petitioner.
Mr. A.S. Sandhu, Additional Advocate General, Punjab.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.59 dated 27.6.2018 under Sections 323, 324, 325, 326 and 34 of Indian Penal Code, 1860 at Police Station City Maqboolpura, District Amritsar.

The FIR was registered at the instance of Kashmir Singh wherein it has been alleged that he is running a tea stall near Mehta Road, Amritsar and that Rajbir Kaur @ Fojan who used to purchase meat owed ₹ 1200/- but was not repaying the same and used to put him off on one excuse or the other. It is alleged that on 26th June, 2018, when he went to demand the aforesaid money then Fojan and her son Ravi attacked him and thereafter he came back. It is further alleged that subsequently when

he was near Singh Factory then Rajbir Kaur Fojan, her son Ravi and Jodhbir Singh were standing there and upon Fojan having raised lalkara, Jodhbir Singh gave a blow with '*datar*' on his back, upon which he fell down and while he was lying down, Ravi gave stick blow to him and Fojan gave kick blows.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact it is a case where the complainant party had caused injuries to the petitioner. The learned counsel in this context has drawn the attention of this Court to MLR (Annexure P-2) of Jodhbir Singh indicating that he had sustained three injuries out of which two are in the nature of incised wound near his ear.

On the other hand, the learned State counsel has submitted that in view of the fact that a grievous injury has been caused to the complainant, no case for grant of bail is made out.

I have considered the rival submissions addressed before this Court. Since the petitioner himself has sustained three injuries including two incised wounds, it would certainly be debatable as to who is the aggressor. Further, since in the present case, challan has already been presented and that the petitioner has been behind bars since the last more than 3 months, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted and the petitioner Jodhbir Singh @ Jodh is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This petition stands disposed of accordingly.

17.10.2018
kamal

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No