

206

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

**CRM-M No.45100 of 2017(O&M)
Date of Decision: 12.01.2018**

Jasbir Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms Satwant Mehta, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl., AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.38 dated 25.02.2015, registered under Sections 302, 307, 323, 324, 326, 212, 216, 506, 148, 149 IPC, at Police Station Gate Hakima, District Amritsar.

As per allegations in the FIR, petitioner Jasbir Singh was armed with Dagger and he inflicted a Dagger blow on the abdomen of Harpal Singh. Thereafter, Raja and Sagar caught hold Harpal Singh and started inflicted injuries with their respective weapons. The occurrence was witnessed by Baba Charan Nath, Mangal Singh, Karan Singh son of Kulwinder Singh and Karam Singh Mau son of Kartar Singh. As per

postmortem report of Harpal Singh, following injuries were found:-

1. Incised penetrating wound 2X1 CM in size present over the medial aspect of the left thigh 9 CM above the left knee, wound is 6 CM deep in nature. Clotted blood present and it cannot be washed with saline.
2. Incised penetrating wound 3 X 1.5 CM present over the back of left thigh 9 CM from the posterio superior iliac spine. Wound 4 CM deep. Clotted blood present and it could not washed with normal saline.
3. A diffuse swelling over occipital area 6 CM in Diameter. On dissection fracture occipital bone is present underlying brain tissue shows contusion and lacerations. Sub dural space contains about 100 CC of blood.

No injury on the abdomen of Harpal Singh was shown in the postmortem report. Eye witnesses namely Karam Singh son of Kartar Singh, Dhram Singh son of Jaswant Singh and Mangal Singh son of Bakhshish Singh were examined as PW 1 to PW 3 respectively and they have not supported the case of the prosecution.

On 06.12.2017, the aforesaid fact was brought to the

notice of this Court and this Court granted the adjournment on the premise that complainant is yet to be examined.

Today, learned counsel for the petitioner has placed on record photocopy of statement of the complainant who has appeared as PW 7 before the trial Court. Statement of the complainant would show that he has also become hostile and has been cross examined by the Public Prosecutor.

Taking into consideration the entirety of facts and circumstances of the case, particularly in view of the statements made by PW 1 to PW 3 and the complainant, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on the ultimate merits of the case at this stage.

Let the petitioner be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Accordingly, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 12, 2018.

Prince

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No