

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-49293-2018

Date of Decision:16.11.2018

Jagjit Singh @ Jaggi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Harnam Singh Bhullar, Advocate,
for the petitioner.

Mr. Tanvir Joshi, A.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.221 dated 13.09.2017 under Sections 302, 34 IPC and Sections 3, 4 of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel for the petitioner has argued that only allegation against the petitioner is that he has raised a 'lalkara' while saying that he will teach a lesson to deceased-Lakhvir Singh @ Lakha, for having damaged the motorcycle. Though the motorcycle belongs to Gurpreet Singh @ Gaggi, other co-accused, who has given two blows with the sword on the neck of deceased-Lakhvir Singh @ Lakha. Petitioner is in custody since 19.09.2017 and prosecution evidence has not yet been started. Even

otherwise, co-accused Pardhan Singh @ Ladi, who was allegedly driving

the motorcycle on the date of occurrence has been found innocent by the police during the course of trial.

On the other hand, learned State Counsel has filed the custody certificate of the petitioner, which is taken on record. On instructions from HC Jaswinder Singh, he has argued that the petitioner was present at the scene of occurrence and he has come on the motorcycle being driven by Pardhan Singh @ Ladi along with other co-accused Gurpreet Singh @ Gaggi. Though, the police has found Pardhan Singh @ Ladi as innocent during the course of trial, but on an application under Section 319 Cr.P.C., he has been summoned in the case.

I have heard learned counsel for the parties.

Considering the fact that the only allegation against the petitioner is that he has raised a 'lalkara' and the injury for the death of Lakhvir Singh @ Lakha has been attributed to co-accused Gurpreet Singh @ Gaggi, petitioner is in custody since 19.09.2017, coupled with the fact that trial in the case is likely to take a long time, I deem it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case.

November 16, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No