

218

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

CRM-M No.7886 of 2018

Date of Decision: 19.03.2018

JASWINDER SINGH @ KALAPetitioner

Vs

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. N.S. Dadwal, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.27 dated 02.04.2017, registered under Sections 452, 324, 506 IPC (Sections 326, 120-B IPC added later on) at Police Station Sadar, Moga.

Prosecution story started with the allegations that on 01.04.2017, complainant was present in his house with his family. At about 6.30 p.m., there was knocking at the main door. Complainant came to the door and found that the petitioner was standing there. On seeing the complainant, petitioner made a *lalkara* that he will teach him a lesson for the episode which took place in the fair where complainant was forcibly asking for a chair from the accused side. Petitioner also disclosed that he was sent by Baljinder Singh @ Bhola. Petitioner entered the

house and took out a *kirpan* from his *nefa*. He was also having a pistol in his *nefa*. Petitioner inflicted *kirpan* blow on the head of the complainant with an intention to kill him. The blow ultimately landed on the right ear of the complainant and a portion of the ear got amputated. Severance of ear from the body ultimately entailed in addition of offence under Section 326 IPC. Petitioner is in custody since 14.01.2018.

Learned State counsel on instruction from HC Jaswant Singh submitted that the challan has already been presented, but charges are yet to be framed. The offence is triable by the Magistrate. Petitioner is in judicial custody.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 14.01.2018 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

March 19, 2018

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No