

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

219

CRM-M-14774-2019 (O & M)
Date of Decision:04.04.2019

Jaswant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Jaswant Singh has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.18 dated 23.02.1995, under Sections 307, 324, 323 and 34 IPC registered at Police Station Banga, District Jalandhar (Now in Shaheed Bhagat Singh Nagar, Nawanshahr).

FIR was recorded on the statement of Sukhwinder Singh, wherein it was alleged that his brother-in-law Charanjit Singh had a civil litigation with his uncle Kashmir Singh which was pending. The matter was compromised on 22.02.1995 and same was signed by the complainant and his father Mohinder Singh. It was alleged that on 22.02.1995 when complainant and Mohinder Singh along with Devender Singh were present in the house then Jagir Singh, Jaswant Singh (petitioner) and Kashmir Singh armed with '*datar*' came there and exhorted to teach them a lesson for taking

illegal possession of the land. The complainant and the other two persons suffered injuries at the hands of the assailants including the petitioner.

Learned Senior counsel has contended that a cross case was also set up by father of the petitioner namely Jagir Singh and the complainant in FIR and other persons were indicted for the offences under Section 325 IPC etc. It is pointed that Jagir Singh had suffered 18 injuries in the said occurrence. After completion of investigation, separate challan in both versions were filed before the Court. However, petitioner-Jaswant Singh was found innocent and was placed in column No.2. It is contended that after the case was committed to the Sessions Court, the application was moved by prosecution under Section 193 Cr.P.C. for taking cognizance against the accused, who were placed in column No.2. The learned trial Court proceeded to summon the said persons including the petitioner vide its order dated 27.10.1995. According to him, the petitioner was never served, who had later on left India and in the meantime, the Court proceeded to declare him as Proclaimed Offender vide order dated 13.02.1996 (Annexure P-4). It is further argued that as the father of the petitioner had expired, he could not pursue the cross case and the other side were acquitted vide judgment dated 30.01.2001. It is submitted that the petitioner is in custody since 19.01.2019 and his absence before the Court cannot be construed as deliberate, as he was not served.

On the other hand, the bail application is opposed by learned State counsel assisted by ASI Rashpal Singh. He has not disputed that there was cross version also. It is also admitted that the petitioner was summoned under Section 193 only. It is also not disputed that the father of the petitioner had suffered 18 injuries and the case ended in acquittal as none of

the witnesses supported the cross case version and the injured Jagir Singh had expired.

Considering the above background and the fact that the investigation of the case is complete, no useful purpose would be served by keeping the petitioner, who is presently confined in judicial custody. In view of the above, without meaning any expression of opinion on the merits of the case, petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds, to the satisfaction of Illaqa Magistrate or concerned Court.

The petition is allowed.

04.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No