

S.No.215

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

CRM-M-23501 of 2019 (O&M)

Date of Decision:21.08.2019

Jaswant Singh alias Jassa

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.
Mr. K.S. Aulakh, DAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.44 dated 14.02.2019 registered under Sections 394, 307, 452, 34 IPC and under Section 25 of Arms Act, 1959 (Section 411 IPC, 1860 and Section 27 of Arms Act 1959 added subsequently) at Police Station City Tarn Taran, District Tarn Taran.

It is contended by counsel for the petitioner that the petitioner has wrongly been made an accused in this case. Even as per the case of the prosecution, no injury is attributed to the petitioner; much less to speak of any injury inviting Section 307 IPC. Although the Police claims to have recovered a kirch from the petitioner, no injury is alleged to have been caused with the said weapon. There is only one injury suffered by the complainant side and that the injury is attributed only to the co-accused of the petitioner.

On the other hand, learned State Counsel, being instructed by ASI Gurmit Singh, submits that the petitioner was caught on the spot itself. It is further submitted that the petitioner is involved in two more cases; out of which one happens to be of similar nature. However, it is not disputed

that no injury is attributed to the present petitioner.

As response to submissions made by learned State Counsel, counsel for the petitioner submits that the other cases, referred to by the State Counsel, were fabricated by the Police after the petitioner was arrested in the present case. Otherwise, the petitioner was not involved in those cases as well. As a result, the petitioner has already been granted bail pending trial in both the above said cases. The petitioner is not in custody in any other case, as of today, except the present one.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

August 21, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No