

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

**CRM-M-35616-2019
Date of decision: 29.10.2019**

Jarnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. D. P. S. Bajwa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 49 dated 17.05.2019, registered under Sections 341, 323, 324, 506, 34 of the IPC (Sections 326, 307 of the IPC added later on) at Police Station Sadar Raikot, District Ludhiana.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Rajwinder Singh @ Raja, four persons, including petitioner, asked him to stop and one of them, namely Jagdip Singh @ Gaggu, started arguing with him. In the meantime, petitioner Jarnail Singh and co-accused Kuldip Singh caught hold of the complainant and Gurdeep Singh took out a *Kirpan* and handed over the same to co-accused Jagdip Singh @ Gaggu who raised *lalkara* not to spare the complainant. Thereafter, Jagdip Singh gave a Kirpan blow which struck on the finger of the left hand of complainant and the second time, it struck on the thumb of left arm of complainant. Then Jagdip Singh

gave third blow which struck on the right side of the head of complainant and thereafter, again Jagdip Singh gave him injuries on his neck.

Learned counsel for the petitioner further submits that the only allegation against the petitioner is that he caught hold of complainant, whereas all the injuries are attributed to co-accused Jagdip Singh.

Learned counsel for the petitioner further submits that though the charges have been framed, however, no prosecution witness has been examined so far. It is further submitted that petitioner is in judicial custody since 12.06.2019 and it will take a long time in conclusion of the trial.

Learned counsel for the petitioner further submits that petitioner is the first offender and he is not involved in any other case and the dispute, as per FIR, is between Jagdip Singh and complainant.

Learned State counsel, on instructions from ASI Dalwinder Singh, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 12.06.2019; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take a long time as no prosecution witness has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

29.10.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*