

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

203

CRM-M-53798-2018 (O & M)
Date of Decision:07.01.2019

Jaspreet Singh @ Jassa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Inderpal Singh Parmar, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner Jaspreet Singh @ Jassa has filed this petition seeking regular bail in cross version arising from case FIR No.235 dated 09.08.2016 under Sections 307, 452, 506, 148 and 149 IPC registered at Police Station Basti, Jodhewal Ludhiana. The cross-version relates to the offences punishable under Sections 323, 341, 342, 324, 506, 307, 148 and 149 IPC and Section 25 of the Arms Act

Initially, the FIR was registered on the basis of statement of complainant - Beena Rani, wherein it is alleged that her son namely Rajan Talwar @ Raja Talwar received a telephone call and he went outside the house. She heard some noise and went outside and saw that her son was attacked by 5-7 young boys, who were armed with iron dattars and baseball bats. One person was apprehended on the spot. Later on it was found that

Gora resident of Indra Colony, Laddi resident of Chanderlok Colony, Ranjit resident of Baldev Nagar, Rahon Road and Jot resident of Noorwala Road, who were involved in injuring Rajan Talwar.

As per the cross-version, which was recorded on the statement of Ranjit Singh @ Buta, the petitioner has been indicted as an accused, who had caused injuries to the complainant- Ranjit Singh and Gurpreet Singh. The role attributed to the petitioner is that he was carrying a fire arm and caused gun shot injuries to Gurpreet Singh.

Learned counsel for the petitioner contends that the petitioner is in custody since his arrest on 08.01.2017. It is argued that it would be matter of evidence as to which party was an aggressor and the petitioner cannot be kept in custody endlessly particularly when no witness has been examined till date. It is further pointed out that as per the MLR, injured Gurpreet Singh had received 6 injuries and none of the injuries is caused by use of fire arm.

On the other hand, learned State counsel has opposed the bail application on the ground that the offence is of grave nature. It is pointed out that the petitioner is involved in other cases also as indicated in the custody certificate filed by way of affidavit of Iqbal Singh Dhaliwal, PPS, Deputy Superintendent Central Jail, Ludhiana. However, on instructions from ASI Nirvail Singh, it is conceded that the charges were framed on 10.11.2017 and the prosecution is yet to adduce evidence. There are 29 witnesses in all to be examined in this case.

Considering the custody of the petitioner and the stage of the trial, which is likely to consume some more time as the prosecution is yet to

examine the witnesses, therefore, without meaning any expression of

opinion on the merits of the case, the petitioner is ordered to be released on bail, on his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

07.01.2019

sheetal

(MANOJ BAJAJ)
JUDGE

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