234 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3514-2020
Date of Decision : February 03, 2020

Jagdev Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. H.S. Jalal, Advocate and
Mr. Amrinder K. Jalal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 173 dated 1.8.2019 under Sections 307, 459, 323, 336, 148, 149 IPC and under Section 25 of the Arms Act, 1059 and Section 3 of the SC & ST Act, registered at Police Station Nathana, District Bathinda.

Counsel for the petitioner has relied upon order dated 6.11.2019 passed in CRM-M-46594-2019 vide which co-accused Dharampal Singh @ Dharma was granted the concession of regular bail by passing the following order :-

> "Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Manjit Kaur wife of Gora Singh,

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she along with her husband, son and daughter were sleeping in the courtyard of their house, when at about 10.30 p.m., someone knocked the door by saying that they are police persons. When she opened the door, many persons entered the house and she alerted her husband Gora Singh. It is further stated in the FIR that the petitioner was armed with an iron rod and by calling the complainant side in the name of their caste, caused injuries to them. It is further submitted that the petitioner is attributed an injury on the right arm of Gora Singh and the injury invoking Section 307 IPC is attributed to other accused persons. Learned counsel further submits that the petitioner is first offender; he is in custody for the last about 03 months; investigation is complete; challan stands presented and it will take some time in conclusion of the trial.

Learned State counsel has filed the custody certificate dated 6.11.2019 in the Court and on instructions from ASI Baldev Singh, has submitted that the injury attributed to the petitioner is on the hand of Gora Singh, as per allegations in the FIR. As per the custody certificate, the petitioner is in custody for the last 02 months and 27 days."

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Counsel for the petitioner submits that the petitioner was not named in the FIR and he was nominated after about 3½ months after the registration of the FIR.

Learned State counsel, on instructions from ASI Nirmal Singh has disputed the factual position.

Without commenting anything on the merits of the case, considering the aforesaid submissions made by counsel for the petitoner and also in view of the fact that the petitioner was named after about 3½ months of the registration of the FIR, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/ Illaqa Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

February 03, 2020
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO

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