

CRM-M No. 17539 and 17831 of 2020 (O&M)

HEARD THROUGH VIDEO CONFERENCING

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

Decided on: 31.07.2020

1. CRM-M No.17539 of 2020 (O&M)

Jagjit Singh @ Jaggi

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.17831 of 2020 (O&M)

Billa

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rishu Mahajan, Advocate
for the petitioner (in CRM-M-17539-2020)

Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner (in CRM-M-17831-2020)

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. T.S. Hundal, Advocate
for respondent No.2 (in CRM-M-17831-2020)

ARVIND SINGH SANGWAN, J.

Prayer in these petitions is for grant of regular bail to the petitioners namely Jagjit Singh @ Jaggi and Billa in FIR No.217 dated 06.11.2018 registered under Sections 307, 323, 324, 506, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') (challan presented under Sections 307, 324, 326, 323, 506, 201, 148, 149 IPC later) at Police Station Sadar Nakodar, District Jalandhar Rural.

Counsel for the petitioner(s) have relied upon the affidavit

of the injured witness namely Kashmira @ Rinku son of Sarban, which is attested by the Notary.

Counsel for the petitioners has further relied upon the order dated 07.07.2020 passed by this Court in CRM-M No.14630 of 2020, vide which one of the co-accused was granted the concession for interim bail. The operative part of the said order reads as follows:-

“Learned counsel for the petitioner contends that though the learned Sessions Judge, Jalandhar, vide impugned order dated 04.01.2019, while declining the bail, observed that the petitioner had given a gandasi blow on the head of injured-Kashmira Singh, yet the fact remains that as per the FIR, no injury has been attributed to the petitioner. The learned counsel further contends that injured-Kashmira Singh has also submitted an affidavit dated 31.08.2019 (Annexure P-3) to the effect that no injury has been attributed to the petitioner.

The aforesaid assertions made by the learned counsel for the petitioner have not been disputed by the learned counsel for injured-Kashmira Singh.

Learned State counsel admits that as per the FIR, no injury has been attributed to the petitioner. However, he has no instructions regarding the affidavit filed by the injured.

I have heard the learned counsel for the parties.

As per the FIR, no injury has been attributed to the petitioner.

Learned State counsel is directed to file the status report specifying the injuries attributed to the petitioner.

Adjourned to 24.08.2020.

In the meantime, the petitioner is ordered to be released on interim bail on his furnishing bail and surety

bonds to the satisfaction of the learned trial Court/Duty Magistrate.”

Counsel for the complainant/respondent No.2 – Kashmira @ Rinku has argued that the scribe of the FIR i.e. the brother of Kashmira @ Rinku has traveled abroad and the injured – Kashmira @ Rinku already effected a compromise with the petitioners.

Counsel for the State has filed the affidavit of the Deputy Superintendent of Police, Sub-Division Nakodar along with the statement of the complainant/injured – Kashmira @ Rinku dated 24.07.2020, in which he has acknowledged that there is a compromise and he do not want to take any action.

After hearing the counsel for the parties, considering the present situation due to COVID-19 pandemic and also in view of the fact that there is a compromise between the parties and in view of the order dated 07.07.2020 passed by this Court and the fact that conclusion of the trial will take some time, these petitions are allowed and the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

31.07.2020
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable: Yes/No