

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23192-2020
Date of Decision: 10.12.2020

Joginder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. G.B.S.Dhillon, Advocate,
for the petitioner.

Mr. Luvinder Sofat, A.A.G, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present 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.0107 dated 18.10.2019, under Sections 302, 324, 323, 148 and 149 of the Indian Penal Code, registered at Police Station Zira, District Ferozepur.

The learned counsel for the petitioner has submitted that in the present case, the petitioner was falsely implicated in the case in view of the fact that the present case was a case of cross-version and in fact the other party was the aggressor party. He has further submitted that although this aspect as to who was aggressor party is to be established at the time of the trial but prima facie at this stage, even as per the FIR, the injuries attributed to the petitioner was only *gandasi* blow on the left thigh of the complainant and there is no injury attributed to the deceased in the present case. He has

further submitted that the petitioner is in custody for 01 year 01 month and 15 days and the investigation in the present case is already completed and the challan has already been presented but the charges have not been framed because of the Covid-19 pandemic situation. He has further submitted that the petitioner is not involved in any other case and has prayed for the grant of the regular bail to him. The learned counsel has further relied upon **Mandeep Singh Vs. State of Punjab (CRM-M-7215-2020)** in which bail has been granted by the Co-ordinate Bench of this Court to one of the other co-accused, namely, Mandeep Singh, vide Annexure P-2 and the injuries attributed to the petitioner in that case was that blow of *kanda* on the legs of the deceased. In the present case, the allegation is with regard to the blow of *gandasi* on the left thigh of the complainant and not of the deceased. He has further referred to **Narinder Singh Vs. State of Punjab (CRM-M-13676-2020)** annexed as Annexure P-3, vide which bail granted to the other co-accused, namely, Narinder Singh by the Co-ordinate Bench of this Court. He has further submitted that in the facts and circumstances of the present case, the petitioner is better placed than the other co-accused, who have been granted bail.

On the other hand, the learned State counsel has submitted that although it was the case of cross-version but the direct role has been attributed to the petitioner. He, on instructions from ASI Sukhdev Singh, has submitted that it is correct that the role attributed to the petitioner was *gandasi* blow on the left thigh of the complainant and there is no role attributed to the petitioner with regard to the deceased. He has further submitted, on instructions, that even otherwise also the injury which the

petitioner has allegedly inflicted was simple in nature. So far as the custody period of the petitioner is concerned, the learned State counsel has not disputed the same. The learned State counsel has also not denied that the petitioner is not involved in any other case and that the investigation in the present case is already completed and the challan stands presented. However, he has opposed the grant of bail on the ground that the matter is serious in nature.

I have heard the learned counsel for the parties.

On the basis of the submissions made by the learned counsel for the parties, it is clear that the petitioner is in custody for 01 year 01 month and 15 days and the investigation in the present case is already completed and the challan has already been presented and it is also not in dispute that the petitioner is not involved in any other case. So far as the role attributed to the petitioner is concerned, the same is also not disputed by the learned State counsel. The role as per the learned counsel for the petitioner as well as the learned State counsel is that the petitioner has allegedly given *gandasi* blow on the left thigh of the complainant but he has not given any blow on the deceased and furthermore, the aforesaid injury on the left thigh was declared to be simple in nature. The reliance made by the learned counsel for the petitioner on the bail granted to the other co-accused also carries weight. Furthermore, it is not the case of the State that in case the petitioner is released on bail then there is likelihood that he may influence any of the witnesses or he may tamper with the any of the evidences.

In view of the above, considering the totality of circumstances of the present case, I deem it fit and proper to admit the petitioner on bail.

Consequently, the present petition is allowed. The petitioner shall be admitted to regular bail on his furnishing bail/surety bonds subject to the satisfaction of the learned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

10.12.2020
adhikari

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No