

In the High Court of Punjab and Haryana, at Chandigarh

1. Criminal Misc. No. M- 28130 of 2020

Varinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

AND

2. Criminal Misc. No. M- 1484 of 2020

Jaswinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

Date of Decision: 05.10.2020

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Lal Singh Sandhu, Advocate
for the petitioner (In CRM-M-28130-2020).

Mr. Hakam Singh, Advocate
for the petitioner (In CRM-M-1484-2020).

Ms. Samina Dhir, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

By this order, Criminal Misc. No. M-28130 of 2020 and
Criminal Misc. No. M-1484 of 2020, shall stand disposed of.

Varinder Singh has filed Criminal Misc. No. M-28130 of 2020,
for grant of regular bail, whereas Jaswinder Singh, a minor, student of 11th
class, has filed Criminal Misc. No. M-1484 of 2020, for grant of pre-arrest
bail, in a criminal case arising from FIR No. 400, dated 06.12.2019,

Sohana, District S.A.S.Nagar (Mohali).

Learned Additional Sessions Judge, S.A.S. Nagar (Mohali), in para 3 of its order dated 03.09.2020, has noticed the facts of the case, which are extracted as under:-

“In brief the case of prosecution as per statement of complainant is that on 2.12.2019 at about 6:30 P.M he alongwith his friend Rahul and Parminder Singh after playing volleyball in the volleyball ground of village Maulibaidwan , Sector 80, was coming out on the road. Then Jaswinder Singh who was playing with them started aruging over picking the ball and also started abusing them. When they went to their home, then Jaswinder Singh alongwith his 4-5 companions came on vehicle bearing no. HR 44 H 7235 make XUV and encircled them and started beating the complainant. Two people caught him and rest of them started giving danda and pipe blows in his stomach with the intention to kill him. Jaswinder Singh shouted to teach the complainant a lesson. In the mean time, his friends came to rescue him and they also gave beatings to Jaswinder Singh and his companions. On hearing the hue and cry, people gathered at the spot and on seeing them, bail applicant alongwith his companions ran away from the spot alongwith their vehicle and danda”.

From the reading of the FIR, it is apparent that the first informant and Jaswinder Singh, along with certain friends, fought while playing volleyball and thereafter, the petitioners allegedly attacked.

Mr. Mohit Jaggi, Advocate, who has put in appearance for the first informant, has contended that the spleen of the first informant/injured got damaged.

Be that as it may. Varinder Singh (petitioner in Criminal Misc. No. M-28130 of 2020), is in custody since 22.07.2020. Whereas Jaswinder Singh (petitioner in Criminal Misc. No. M-1484 of 2020), is a juvenile and he has already joined the investigation, co-operated and is not required for further custodial interrogation. The conclusion of the trial is likely to take time.

Keeping in view the aforesaid facts and without expressing any opinion on merits of the case, both the petitions i.e. Criminal Misc. No. M-28130 of 2020 and Criminal Misc. No. M-1484 of 2020, are allowed. Varinder Singh (petitioner in Criminal Misc. No. M-28130 of 2020), petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/Chief Judicial Magistrate/Duty Magistrate. Whereas interim pre-arrest bail granted to Jaswinder Singh (petitioner in Criminal Misc. No. M-1484 of 2020), by this Court on 15.01.2020, is made absolute.

**(Anil Kshetarpal)
Judge**

October 05, 2020
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No