

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.30501 of 2020 (O&M)
Date of Decision.18.12.2020
(Heard through VC)

Jarnail Singh and another ...Petitioners
Vs
State of Punjab ...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Parampreet Singh Paul, Advocate
for the petitioners.

Mr. P.S. Walia, AAG, Punjab.

Mr. Rajesh Kumar Garg, Advocate
for the complainant.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioners in FIR No.89 dated 10.05.2020 under Sections 323, 341, 506, 148, 149 IPC (Section 302 IPC added later on) registered at Police Station Lalru, District SAS Nagar, Mohali.

After arguing for some time, learned counsel for the petitioner does not press the instant petition qua petitioner No.2 at this stage and therefore, the instant petition is dismissed as not pressed qua petitioner No.2.

As regards, petitioner No.1, learned counsel *inter alia* would contend that this is a case of version and cross-version wherein the petitioner No.1-Jarnail Singh had suffered grievous injuries as would be reflected by the MLR that was conducted. As per the MLR, he had suffered a fracture on the head, while further contending that in the FIR that was registered on the basis of the statement given on 10.05.2020, his name was

not reflected therein. It is argued that in the initial statement given by the complainant, Vicky, Gondu and Shami had been named as persons, who had attacked his father with bricks and stones. It is stated that it was on account of these injuries that his father's head was covered with blood. It is further argued that a perusal of the MLR conducted upon the deceased, no such injuries were found as the MLR dated 09.05.2020 showed superficial abrasion, 'no external injury, no swelling', however, CT scan of the head was advised due to a headache. It is further argued that the deceased was operated upon and taken back to the house, however, died on 12.05.2020 as he was being taken back to the hospital.

Learned counsel for the petitioner would further urge that subsequent to death of father of the complainant, a supplementary statement was got recorded by the complainant by submitting that he forgot to record name of Jarnail Singh i.e. petitioner No.1 herein. In the reply filed by the respondent-State, it is mentioned that petitioner No.1 is stated to have given a *lathi* blow to the deceased and the complainant, which *lathi* has been recovered during investigation. It is also argued that MLR that was conducted upon Pritpal Singh on the date of occurrence would reflect that injury had been reflected by a brick and therefore, petitioner No.1 could not be alleged to have caused fatal injury upon the deceased.

Learned counsel appearing on behalf of the respondent-State opposes grant of regular bail to petitioner No.1 by contending that in the scuffle that took place, one person namely Pritpal Singh had succumbed to his injuries and therefore, petitioner No.1 would not be entitled to grant of regular bail.

I have heard learned counsel for the petitioner No.1 and have perused the paper book.

Keeping in view the fact that it is a case of version and cross-version in which petitioner No.1 had also suffered injuries in the scuffle that took place between the parties and the fact that the trial is likely to take some time to conclude owing to COVID-19 pandemic situation, no useful purpose would be served by keeping the petitioner No.1 behind bars. The instant petition is allowed and the petitioner No.1 is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

December 18, 2020

Pankaj*

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