

**CRM-M-42568-2020 (O&M)**

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

**CRM-M-42568-2020 (O&M).  
Decided on: December 22, 2020.**

**Jaspreet Singh**

**.. Petitioner**

**VERSUS**

**State of Haryana**

**.. Respondent**

**\* \* \***

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

**\* \* \***

**PRESENT      Mr.Pawan Attri, Advocate,  
for the petitioner.**

**Mr.Naveen K. Sheoran, DAG, Haryana.**

**JASGURPREET SINGH PURI, J. (ORAL)**

**Through Video Conference**

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.439 dated 9.8.2020, under Sections 323, 324/34 and 506 IPC as well as under Section 326 IPC added later on, registered at Police Station Pehowa, District Kurukshetra.

Learned counsel for the petitioner has submitted that as per the contents of the FIR the petitioner as well as the complainant are the

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real brothers and there was a dispute with regard to property between them. The complainant is residing abroad and as per the allegations, he came to India and a fight took place and petitioner gave a blow of iron kappa from the sharp side which struck him on the left shoulder and second blow was given on his head and wife of the petitioner had also hit him on the back with wooden stick which she was holding.

Learned counsel for the petitioner has submitted that it is a case where there was a property dispute between the parties and the complainant party was the aggressor party. He has further submitted that there is unexplained delay of 3 days in lodging the of FIR and during the course of investigation, wife of the petitioner has been exonerated by the police. He has further submitted that direct allegations were attributed to the wife of the petitioner but on investigation she was found to be innocent and the allegations qua the petitioner are also false. He has further submitted that in the present case even otherwise also the investigation is complete and challan stands presented and it is not a case where any recovery is to be effected from the petitioner.

On the other hand, learned State counsel has submitted that it is correct that investigation is complete and challan stands presented and it is not a case where any recovery is to be effected from the petitioner. He has submitted that the petitioner is in custody since 9.9.2020 and after presentation of challan, the charges are yet to be framed. However, he has opposed the grant of regular bail to the petitioner on the ground that the matter is serious in nature and the injuries were grievous in nature.

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I have heard the learned counsel for the parties.

So far as the custody period of the petitioner as well as the fact that investigation is complete and challan stands presented is not disputed. Further, learned State counsel, on instructions from the police official assisting him, has submitted that nothing else is to be recovered from the petitioner. On being asked from the learned State counsel that in case the petitioner is released on bail whether there is any likelihood that he may influence the witnesses or tamper with the record, no justifiable explanation has come forth from the side of learned State counsel in this regard.

In view of above, considering the totality of the circumstances, I deem it fit and appropriate to admit the petitioner on bail. The present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the concerned 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 only for the purpose of decision of present petition.

**December 22, 2020.**  
**raj arora**

**JASGURPREET SINGH PURI)**  
**JUDGE**

Whether speaking / reasoned  
Whether reportable

Yes / No  
Yes / No