

CRM-M-54474 of 2019

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

CRM-M-54474 of 2019
Date of Decision: 02.03.2020

Jaswant Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. P.S. Ahluwalia, Advocate, for the petitioner.
Mr. Pawan Sharda, Sr. DAG, Punjab.
Mr. P.S. Gill, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Learned counsel has filed vakalatnama on behalf of the complainant on his own, though he has not been impleaded as party. Same is taken on record.

Through instant petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to petitioner – Jaswant Singh – in a case arising from FIR No.158 dated 03.09.2019 registered under Sections 308, 341, 323, 325, 506, 447, 201 and 34 IPC (Section 307 IPC added later on) at Police Station Sadar Sangrur, District Sangrur.

Learned counsel *inter alia* contends that initially petitioner was granted bail on 13.11.2019, but on the same day, said order was recalled on pointing out to the committal Magistrate that Section 307 IPC has also been added. Consequently, petitioner was retained in custody. Drawing attention of this Court towards medical opinion, which is dated 14.11.2019, vide which injuries suffered by grandfather of the complainant were declared

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dangerous to life, learned counsel submits that it is unexplained on the file as to how investigating officer could add Section 307 IPC two days in advance on 12.11.2019. There is version and cross-version between the parties. Petitioner is 50% handicapped. Injury declared dangerous to life has not been attributed to the petitioner. In the cross-case, all members of complainant party, including the complaint, are on bail. Petitioner suffered grievous injuries at the hands of complainant party falling under Section 326 IPC. He is in custody since 11.09.2019. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioner in jail any more.

Learned State counsel, assisted by learned counsel for the complainant, could not refute addition of Section 307 IPC two days prior to obtaining of medical report, declaring injuries suffered by grandfather of the complainant as dangerous to life.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner – Jaswant Singh – is ordered to be released on bail during pendency of trial, if not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

(RAMENDRA JAIN)
JUDGE

March 02, 2020
R.S.

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No