

214

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1061-2021

Date of Decision: 15.01.2021

Jarnail Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Kartik Gupta, Advocate for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.271 dated 18.11.2020 registered under Sections 452, 326, 324, 323, 506, 148 and 149 IPC, 1860 at Police Station Dasuya. The petitioner is in custody since his arrest on 19.11.2020.

The FIR was registered on the basis of complaint given by Jasvir Singh and the allegations as noticed by the Addl. Sessions Judge, Hoshiarpur in the order dated 24.12.2020 are as under:

“As per case of prosecution, on 15.11.2020, when complainant Jasvir Singh along with his wife Savita, mother Nirmla Kumari and son Sangram, was present in his house, then accused Jarnail Singh armed with datar and his wife Jaswinder Kaur accompanied by 7/8 unidentified persons entered in his house. Upon lalkara being raised by Jaswinder Kaur, her husband Jarnail Singh gave datar blow which hit on the left leg of complainant. The unidentified persons also attacked upon the complainant with iron rods, which hit on the back and left hand of complainant. When the mother and wife of complainant came forward to rescue the complainant, the assailants also caused injuries to them.

Meanwhile, the father of complainant namely Suram Singh also came there and he was also inflicted injuries by the assailants.”

Learned State counsel assisted by ASI Sarabjit Singh, has argued that in the occurrence, the petitioner was armed with datar and had caused injuries to Jasvir Singh and the injury on his leg was declared to be grievous. He submits that the other injuries were simple in nature and the offence punishable under Section 326 IPC was added subsequently. He, on instructions, further states that the final report has been filed on 11.01.2021 and except for this case, the petitioner is not involved in any other case. According to him, in all there are five accused and two co-accused of the petitioner, namely, Jaswinder Kaur and Hira have already been released on anticipatory bail. He has prayed that the bail petition be dismissed.

The prayer is also opposed by the learned counsel for the complainant, who has argued that the petitioner along with his accomplices attacked the neighbours and caused injuries upon Jasvir Singh and his old parents. According to him, in all, 15 injuries were caused by accused person and, therefore, the petitioner does not deserve the concession of regular bail.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the trial is likely to take some time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 19.11.2020, therefore, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the

in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Hoshiarpur.

The petition is allowed.

15.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No