

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.917 of 2021 (O&M)

Date of Decision: August 05, 2021

Jasvir @ Jasvir Singh @ Sonu & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Prateek Pandit, Advocate,
for the petitioners.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

CRM-23575-2021

The application is allowed. Documents (Annexure A-1) are taken on record.

CRM-M-917-2021

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.219 dated 20.09.2020, under Sections 307, 332, 353, 186, 506, 427 and 34 IPC, 1860, registered at Police Station, Kartarpur, District Jalandhar, who are in custody since their arrest on 24.09.2020.

The contents of the FIR, as noticed by the Sessions Judge, Jalandhar in his order dated 26.11.2020, are as under:-

“The facts necessary for the disposal of the present bail application are that on 19.09.2020 at about 9:00 p.m. Upon

receiving an intimation regarding a quarrel having been taking place between accused Jasvir @ Sonu and Paramjit @ Pamma sons of Sukhdev Singh at village Kahlwan, ASI Baljinder Singh (complainant) along with HC Gurnam Singh of Police Station Kartarpur, reached the spot, where ASI Baljinder Singh inquired from them the reason for their quarrel and also tried to pacify them. However, both the accused got enraged and started abusing the police officials. They also started pelting brick bats upon them and threatened them to leave the spot if they (the police officials) want to save their lives. Then, both the accused followed them while abusing them in filthy language and pelting brick bats upon them. The accused also damaged the car of ASI Baljinder Singh with the help of brick bats. Both of them (the police officials), in order to save their lives, entered the house of William, member panchayat. Both the accused followed them there also. Accused Jasvir @ Sonu, with an intention to kill, gave a brick bat blow on the head of ASI Baljinder Singh, due to which he received injury on his head and his turban also fell down. Then, Paramjit @ Pamma, with an intention to kill, gave a brick bat blow, which hit on the left cheek of ASI Baljinder Singh. Member Panchayat William intervened and saved the injured from the hands of the accused. The injured was firstly taken to Civil Hospital, Kartarpur and after giving first aid, he was referred to Civil Hospital, Jalandhar.

Learned counsel for the petitioners has argued that as per the prosecution, the complainant intervened in a fight between the two brothers (petitioners) and they both caused two injuries at head and the face of the injured. He submits that the petitioners have been falsely implicated and, in fact, it was a vehicular accident, which resulted into injuries to the complainant and in this regard, he has invited the attention of the court to the medical record dated 23.09.2020, wherein the complainant has

mentioned this fact of accident. Learned counsel submits that the final report stands filed on 21.12.2020. Though the charges were framed, but as offence punishable under Section 333 IPC was added through a supplementary report under Section 173(8) Cr.P.C., the charges are yet to be altered. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Kulbir Singh, who submits that as a result of injuries caused by the petitioners, the victim suffered fracture of skull and remained admitted in hospital. However, it is not disputed that the trial is yet to commence.

After hearing the learned counsel for the parties, considering the above background and custody period of the petitioners, this court finds that the material witnesses are either injured or police officials and there does not seem to be any possibility of their being won over, thus, the further custody of the petitioners may not be necessary for any useful purpose, who are presently confined in judicial custody after their arrest on 24.09.2020. Further, the trial is yet to commence and it may take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Jalandhar.

August 05, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No