

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14272-2021 (O&M)

Date of Decision: 13.12.2021.

Jatinder Kumar @ Jodha

...PETITIONER

Versus

State of Punjab

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ramesh Sharma, Advocate
for the petitioner.

Mr. S.S. Deol, DAG, Punjab.

Mr. Ruhani Chadha, Advocate
for the complainant.

AVNEESH JHINGAN J. (ORAL).

This is a petition for seeking regular bail in FIR No. 63, dated 1st May, 2019, under Sections 302, 341, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Garshankar, District Hoshiarpur.

The FIR was at the instance of Navpreet Kaur. It is alleged that on 30th April, 2019, she alongwith her husband Paramjeet Singh had gone to fair in their village at the place of Peer. At about 11.30 PM, her husband Paramjeet Singh was surrounded by Baljeet Singh @ Honey, Avtar Krishan, Gorak Sahota, Jatinder Kumar @ Jodha (petitioner) and Karan Kumar @ Tiddi. Accused gave slaps and fist blows and Baljeet Singh @ Honey gave a 'khanda' blow on the head of Paramjeet Singh, he fell down and was taken to Civil Hospital, Garhsankar. He was given first aid and referred to Civil Hospital, Nawanshahar where he was declared brought dead.

Learned counsel for the petitioner submits that petitioner is behind

bar since 25.09.2020, investigation is complete. No recovery was made from the petitioner. He further argues that no specific injury was attributed to the petitioner. He relies upon the MLR to show that there was only one injury on the head of the deceased which is attributed to Baljeet Singh. It is further stated that charges have been framed, but the trial is likely to take time.

Learned counsel for the respondent-State opposes the grant of bail and submits that the petitioner was declared proclaimed offender in 2019 and arrested in September 2020 and there is chance of his not regularly appearing in the trial as and when required.

Mr. Ruhani Chadha, Advocate, though not impleaded as party appears of the complainant and opposes the grant of bail.

Learned counsel for the petitioner, on instructions submits that in order to show *bona fides*, he is ready to deposit Rs.1,00,000/- with the learned trial Court subject to out-come of the trial. He further, relies upon the fact that the co-accused with similarly allegations was granted bail by this Court.

No specific injury is attributed to the petitioner. As per the contentions, the fatal injury was inflicted by Baljit Singh. Co-accused, who was attributed similar allegations, was granted bail by this Court. The offer made by the petitioner to meet the apprehensions of his non-appearance during the trial appears reasonable and is accepted.

Petitioner is granted bail subject to depositing of Rs.1,00,000/- with the trial Court. The amount shall be kept in an FDR with a nationalized bank subject to outcome of the trial. In case, petitioner fails to appear before the trial Court, as and when required, the said amount shall be forfeited.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be

construed as an expression of opinion on the merits of the case.

13.12.2021
rekha sharma

(AVNEESH JHINGAN)
JUDGE

<i>whether reportable</i>	<i>Yes</i>
<i>whether speaking/non-speaking</i>	<i>Yes</i>