

102-2

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

Decided on: 27.10.2021

1. CRM-M No.15477 of 2021 (O&M)

Jaspreet @ Jassi

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.29321 of 2021 (O&M)

Deepak Mahey @ Deepa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. G.P.S. Ghuman, Advocate
for the petitioner (in CRM-M-15477-2021)

Mr. Deepak Arora, Advocate
for the petitioner (in CRM-M-29321-2021)

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Naveen Batra, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Jaspreet @ Jassi and Deepak Mahey @ Deepa under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.76 dated 08.12.2020, for offence punishable under Sections 323, 326, 341, 307, 34 of the Indian Penal Code (in short 'IPC') (offence under Sections 148, 149, 120-B IPC added later) registered at Police Station Pojewal, District S.B.S. Nagar.

Counsel for the petitioners have argued that as per the allegations in the FIR, registered at the instance of Jasvir Singh, on 04.12.2020 he had gone to purchased a cell of the watch of Captain Shinder and had carried plumber apparatus on his motorcycle bearing registration No.PB32-M-2303 from Saroya and when he was returning from Saroya to his village Diyala and reached near motor of Hari, then Jassi came out of the car, which was already parked there and he inflicted datar blow on the back side of his head due to which he fell down from his motorcycle. Thereafter, Deepa and one unknown person, with muffled faces, also came out of the car, carrying wooden sticks in their hands and they also inflicted injuries with the same on his shoulder, waist and arms.

Counsel for the petitioners has further submitted that both the petitioners have caused injuries to the complainant Jasvir Singh @ Kaka, which were declared dangerous to life and Section 307 IPC was added. It is further argued that the petitioner – Jaspreet @ Jassi, has prepared a demand draft of Rs.50,000/- favouring the complainant while the petitioner – Deepak Mahey @ Deepa, has prepared a demand draft of Rs.35,000/- favouring the complainant towards the medical expenses, to show their *bona fide* without prejudice to their right of defence. Lastly, it is argued that the petitioners are in custody since 09.10.2021; challan stands presented and they are no more required for any further investigation.

Counsel for the State assisted by counsel for the complainant, though argued that the petitioners are the main accused, however, it is not disputed that the petitioners are in custody for the last

about 09 months and they are not required for any further investigation.

Without commenting anything on merits of the case, considering the fact that both the petitioners are in custody for the last about 09 months; they are not required for any further investigation; the offences are triable by the Court of Magistrate; challan stands presented and conclusion of the trial is likely to take some time, both these petitions are allowed and the petitioners namely Jaspreet @ Jassi and Deepak Mahey @ Deepa are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

This will, however, be subject to the condition that the petitioner – Jaspreet @ Jassi will deposit the demand draft of Rs.50,000/- and the petitioner – Deepak Mahey @ Deepa, will deposit the demand draft of Rs.35,000/-, without prejudice to their right of defence, with the Illaqa Magistrate/trial Court/Duty Magistrate, which will be handed over to the complainant – Jasvir Singh, towards his medical expenses.

A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

27.10.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No