

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

212

CRM-M-18974-2021

Date of Decision: 24.05.2021

Jagbir Singh @ Pinka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sultan Singh Gill, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Dhanwinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.0082, dated 21.05.2019, Police Station Raja Sansi, District Amritsar Rural, under Sections 304/34 IPC (Sections 302, 201, 120-B, 148, 149 IPC added later on).
2. The FIR was lodged at the instant of Simran Singh wherein it has been alleged that on 17.5.2019 at about 9.30 pm, his father left home but did not return back till 11.00 pm and on account of which they called on his father's telephone. His father informed that some unidentified persons had caused injuries to him and have thrown him. The complainant and others immediately rushed to the spot and found their father and got him admitted in Guru Nanak Dev Hospital where he succumbed to his injuries on 20.05.2019. It

is further stated therein that shortly before his death, complainant's father disclosed that he had been caused injuries by Laddi, Resham, Pinka (petitioner) and Pamma.

3. Learned counsel for the petitioner has submitted that the FIR in question is a result of concoctions which has been lodged after 4 days of the alleged occurrence. It has further been submitted that the falsity of the FIR would be evident from the very fact that when the complainant had spoken to his father in the night on 17.05.2019, his father had specifically disclosed that he had been caused injuries by some unknown persons, but it remains unexplained as to how after 4 days he disclosed the names of the accused to the complainant shortly before his death.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 4 months 24 days and that the petitioner is not wanted in any other case.
5. Having regard to the facts and circumstances of the case, it will certainly be debatable as to whether it is the petitioner who was amongst the assailants caused injuries to the deceased or not. In any case, since the petitioner has been behind bars since the last about 4 months and 24 days, his further detention will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing

bail bonds/surety bonds to the satisfaction of learned trial
Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.05.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**