

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.25602 of 2021
Date of Decision: July 13, 2021

Joginder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manjit Singh Uppal, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

Mr. Ishan Thakur, Advocate for
Mr. L.S.Sidhu, Advocate,
for the complainant.

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.189 dated 23.05.2020, under Sections 302, 323, 341, 148 and 149 IPC, 1860, registered at Police Station, Sadar Mansa, District Mansa. The petitioner is in custody since his arrest on 27.05.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Mansa in para 4 of the order dated 09.02.2021, are as under:-

“Complainant Gurtej Singh stated to the I.O. On 23.05.2020 that on 22.05.2020 it was about 6.30 PM. He and his father Niranjana Singh were sitting in front of the entrance of their house. On that day, non-applicant Mohinder Singh son of Gurbachan Singh had set on fire weeds with which he had damaged the paddy saplings of complainant party. Mohinder

Singh was complained about it. In the evening, non-applicant Rawal Singh carrying stick, said Mohinder Singh carrying domestic iron implement (faurha), Happy Singh carrying stick, non-applicant Amarjit Kaur and applicant Joginder Singh empty handed came there and encircled the complainant party. Rawal Singh gave blow of stick on the nose of Niranjn Singh. Mohinder Singh gave blow of above said iron implement on the head. Niranjn Singh fell down unconscious. Applicant Joginder Singh alongwith Amarjit Kaur and Happy Singh gave him kicks and fist blows. Complainant raised alarm. All five assailants fled away with weapons. Complainant removed unconscious Niranjn Singh to Government Hospital, Mansa from where he was referred to Bathinda. Originally FIR under Sections 148, 323, 341, 149 IPC was registered. During treatment Niranjn Singh expired on 27.05.2020. Offence under Section 302 IPC consequently was added against the accused party including the applicant.”

Learned counsel for the petitioner has argued that though in the first information report, five accused persons were named, but after completion of investigation, three were found innocent and the final report was submitted against the petitioner and co-accused Rawal Singh. He submits that the victim Niranjn Singh suffered two injuries, i.e., on the head and nose and the same have been attributed to his co-accused Rawal Singh. According to him, the petitioner was indicted as an accused on the ground that he gave fist and slap blows to the victim. He has further invited the attention of the court to the deposition of complainant Gurtej Singh and submitted that as the material eye witness has been examined, but the trial is likely to consume considerable time. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Avtar Singh as well as learned counsel for the

complainant on the ground that the the offence is serious. According to them, though the petitioner was empty handed, but he also actively participated in the crime. However, it is not disputed by the learned State counsel that three co-accused of the petitioner, namely, Mohinder Singh, Amarjit Kaur and Happy Singh were found innocent. As per custody certificate, the petitioner is not involved in any other case.

After hearing the learned counsel for the parties, considering the custody of the petitioner and the role attributed to him, this Court is of the opinion that as the material eye witness has been examined, but still the trial is likely to considerable time to conclude as there are in all seventeen prosecution witnesses to be examined on behalf of the prosecution. Thus, the further custody of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 27.05.2020.

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, Mansa.

July 13, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No