

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26559-2021

DATE OF DECISION: NOVEMBER 25, 2021

NAVKISHAN SHARMA @ JUGGA ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PIYUSH SHARMA, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

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.5 dated 16.1.2019, under Section 324/34 IPC (Section 452/307/326 IPC, added subsequently), Police Station Kulgarhi, District Ferozepur, who is in custody since his arrest on 18.3.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge (Duty), Ferozepur in the order dated 22.6.2021, are as under:-

“Perusal of the FIR as well as police record shows that the present case has been registered on the complaint of complainant/injured Jatinder Singh with the allegations that on 15.01.2019 at about 8.45 p.m. applicant/accused alongwith coaccused/non-applicants Ankur Sharma and Sunny knocked at the door of his house. His sister Karamjit Kaur opened the gate. It has been further stated that applicant/accused was having a kapa and Sachin Sharma, co/accused/non-applicants Ankur Sharma was

having a khanda and Sunny was having a dang. They started abusing his sister and caught her from her hairs. He came running to save her. Applicant/accused gave three blows with a kapa on his head. He fell down. Applicant/accused gave another blow on his right hand and coaccused/non-applicant Ankur Sharma gave khanda blow on his left leg above knee and Sunny also gave dang blows to him. His sister raised raula, whereupon his father Major Singh and mother Balwinder Kaur and others assembled at the spot. Thereafter, assailants ran away. Motive of the said occurrence is that Karamjit Kaur was earlier married to Ankur Sharma. They had dispute. Due to that reason assailants gave injuries. On the basis of this statement and medical record, FIR was registered for the offences under sections 324/34 IPC.”

Learned counsel for the petitioner has argued that in the alleged occurrence both the sides have suffered injuries including the petitioner and in the FIR No.5 dated 16.1.2019, offence punishable under Section 307 IPC was added subsequently. According to him, the injuries suffered by the victim were not found dangerous to life, therefore, it would be debatable if the alleged offence punishable under Section 307 IPC is actually made out. He submits that as the investigation is complete, he be released on bail.

On the other hand, learned counsel for the State assisted by SI Paramjit Kaur does not oppose this fact that the petitioner also suffered injury in the alleged occurrence and according to him, the offence punishable under Section 307 IPC was added as the accused party intended to kill the complainant and in this regard, supplementary statement of injured was recorded on 22.1.2019.

Considering the above background, custody of the petitioner and the fact that the material witnesses are either the injured or the close relatives and there seems no possibility of their being won over, therefore, this Court is of the opinion that further detention 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 18.3.2021, as the trial of the case is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 25, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No