

**102+204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-36190-2021
CRM-36191-2021
CRM-39011-2021
CRM-39013-2021 in
CRM-M-34124-2021
Date of decision: 18.11.2021

Jatinder SinghPetitioner

versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Deepanshu Mehta, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl.A.G., Punjab
for the respondent-State.

Mr. Ghulam Nabi Malik, Advocate
for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Due to outbreak of pandemic COVID-19, the instant case
is being taken up for hearing through video conferencing.

CRM-39011-2021 & CRM-36191-2021

Heard.

In view of the statement of the learned State counsel that
he does not intend to file reply to the present applications and has no
objection if the same are allowed.

Heard.

In light of the stand of the State and in view of the averments made in the applications, the applications stand allowed. Compromises annexed therewith are taken on record.

Both CM stands disposed off.

CRM-39013-2021 & CRM-36190-2021

Learned counsel for the applicant/petitioner has made statement withdrawing the present applications.

Allowed to do so.

Dismissed as withdrawn.

CRM-M-34124-2021

This order shall dispose off second regular bail application under Section 439 Cr.P.C. of petitioner-Jatinder Singh in a case bearing FIR No.38 dated 29.03.2021 under Sections 307, 323, 506, 148, 149 of IPC registered at Police Station Sadar, Sangrur, District Sangrur.

The brief facts are that the present case was got registered by Surjina wife of injured, Sikhandar Khan. It is alleged that on 28.03.2021 around 8:00 PM, while she along with her husband was present at the cattle yard, at that time, present petitioner/accused-Jatinder Singh @ Tarjan came who was holding a *kirpan*/sword and all of a sudden gave blow of weapon on the head of Sikhandar Khan. Thereafter, accused/non-applicant-Kamal Deel @ Kala, Sarwan Singh and Sukhwinder Singh all armed with *sotis* gave blows with their weapons.

Mr. Bipan Ghai, Senior Advocate assisted by Mr. Deepanshu Mehta, Advocate has contended that the petitioner is behind the bars since 31.03.2021 and the injured has since been discharged from the hospital. It is argued with much vehemence that only single injury is attributed to the petitioner and that the parties have effected a compromise reliance of which has been sought to be placed on original compromise (Annexure P-9) praying that being neighbours, this settlement between them will pave a way for better relations between the neighbours.

The learned State counsel has opposed the bail on the grounds of heinousness of the offence arguing that though only a single injury is attributed to the petitioner but same is on the vital part that is the Head and if allowed bail, petitioner might influence the trial.

Appreciating the submissions, admittedly, the petitioner has undergone incarceration for a period of almost 08 months and the injured has since been discharged. As is fairly conceded at the bar by the learned State counsel on instructions from SI Santokh Singh that though the challan was presented on 25.06.2021 but till date, charges have not been framed, are matters of much consequence. The parties, admittedly, which is not displaced by the learned State counsel, have settled their dispute.

In light of these circumstances, it would be travesty of justice to keep the petitioner in custody for more time, without

commenting on the merits of the case, this Court impels to allow the present petition.

Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

The petition stands disposed off accordingly.

18.11.2021
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No