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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.35002 of 2020 (O&M)

Date of decision: 26.03.2021

Harwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.80 dated 08.08.2020, for offence punishable under Sections 307, 324, 341, 506 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Balongi, S.A.S. Nagar, Mohali.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered on the statement of Jaspal Singh, on 07.08.2020 when he and his son Inderjit Singh were talking to each other regarding dumping of garbage by the petitioner Harwinder Singh and Sukhwinder Singh and a complaint was made in the morning on that day. In the meantime, the petitioner Harwinder Singh armed with spade, Sukhwinder Singh armed with wooden stick, Simranjit armed with knife and their sister Rupinder Kaur armed with wooden stick came there and raised a voice to teach a lesson to the complainant.

Thereafter, the petitioner Harwinder Singh gave spade blow on the head of Inderjit Singh, Sukhwinder Singh exhorted others to kill the complainant and his son and the petitioner Harwinder Singh with a view to kill the complainant tried to attack him with spade but Jaspal Singh caught hold of the spade and the other accused persons also caused injuries to them and upon raising voice, they ran away from the spot.

Counsel for the petitioner has also submitted that the petitioner is not involved in any other case and he is in custody since 08.08.2020. It is also submitted that challan stands presented and charges have been framed on 02.02.2021 and till date no PW has been examined.

Lastly, it is argued on behalf of the petitioner that though, the injury invoking Section 307 IPC is attributed to the petitioner, however, the petitioner is ready to compensate the victim/complainant – Jaspal Singh by paying a sum of Rs.30,000/- towards his medical expenses, without prejudice to his right of defence.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is also submitted that it is the petitioner, who is the main accused and he has caused injury on the head of the complainant.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 08.08.2020; charges have been framed; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation,

this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

The petitioner is directed to hand over a Demand Draft of Rs.30,000/- favouring the complainant/victim Jaspal Singh at the time of furnishing the bail/surety bonds, without prejudice to his right of defence, which will be further handed over to the victim.

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

(ARVIND SINGH SANGWAN)
JUDGE

26.03.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No