

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

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CRM-M-36291-2020

Date of Decision: 07.04.2021

Jaspreet Singh @ Jassa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Prateek Gupta, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.30 dated 26.02.2020 at Police Station Adampur, District Jalandhar under Section 302, 307, 354, 341, 323, 506, 148, 149, 365 IPC and Section 3(1)(S) of the SC and ST (Prevention of Atrocities) Act, 1989.
2. The case of the prosecution is that the FIR was registered at the instance of Smt. Parveen Kumari, wherein it is alleged that on 25.02.2020, when she along with her 'devar' (younger brother of husband) namely Ravi Pal along with her two daughters were proceeding from their house to her parental home on a motor-cycle and were barely 50-60 yards from their home, they were waylaid by six youths namely Lucky son of Manjit Singh, Raja (Rajinder

Singh) son of Sarabjeet Singh, Sandip Singh son of Dev Raj, Pammu son of Bali, Jassa son of Pargat Singh, who surrounded them from all sides. It is alleged that Raja pulled her down from the motorcycle by catching hold of her hair and gave beatings to her and also attempted to molest her. It is alleged that thereafter Jassa gave a blow with 'dattar' on head of complainant's 'devar' Ravi Pal upon which he fell down and thereafter all other accused gave merciless beatings to him and also uttered derogatory words about their caste. Upon alarm raised by them her 'devrani' (Sister-in-law) Rekha Rani came there to rescue them but even she was caused injuries. Subsequently, upon other villagers being attracted to the spot, the said accused fled away from the spot on motorcycles of 5-6 unknown persons. It is further the case of prosecution that although Ravi Pal was taken to hospital but he succumbed to his injuries on 29.02.2020.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity would be evident from the fact that when the complainant Parveen Kumari as well as the eye-witness Rekha Rani were examined during the course of trial, as PW-1 and PW-2 respectively, both of them resiled from their statements and have not supported the case of the prosecution at all.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is also attributed specific injury, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner

has been behind bars since the last more than 1 year and that he is not involved in any other case.

5. I have considered rival submissions addressed before this Court and have also perused the copies of the statements of the complainant Parveen Kumari (PW-1) and Rekha Rani (PW-2), which have been placed on record as Annexures A-1 & A-2.
6. A perusal of the aforesaid statements would clearly indicate that both of them have not supported the case of the prosecution at all and that some unidentified persons have caused injuries to the deceased and that the accused are not the persons who have caused the injuries.
7. Keeping in view the aforesaid position, wherein the material witnesses have not supported the case of the prosecution and the petitioner in any case has been behind bars since the last more than 1 year, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

07.04.2021

VY/Vimal

(GURVINDER SINGH GILL)
JUDGE

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