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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38489-2020

Date of Decision: 15.02.2021

Jagdeep Singh @ Buntty

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.P.S. Deol, Sr. Advocate with
Mr. H.S. Deol, Advocate for the petitioner.

Mr. Sandeep Singh Deol, 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.103 dated 02.09.2019 registered under Sections 307, 323 and 458 IPC, 1860 at Police Station Cantt Bathinda, District Bathinda. The petitioner is in custody since his arrest on 03.09.2019.

The FIR was registered on the basis of complaint given by Nirbhai Singh and the allegations noticed by the Addl. Sessions Judge, Bathinda in the order dated 16.10.2020, while declining the bail application of petitioner, read as under:

“The brief facts of the prosecution case are that the present FIR was registered on the basis of statement suffered by Nirbhai Singh son of Bhajan Singh, resident of Kamla Nehru Colony, Bathinda, on the averments that on 1.9.2019 he alongwith his wife Gurmeet Kaur was present in the lobby of his house after having meal and putting the main gate on lock and it was at about 8.30p.m. In the mean time, the resident of their locality namely Buntty son of Gurcharan Singh, resident of Kamla Nehru Colony, Bathinda, entered their house after scaling the wall of the house and he was

armed with an axe and after opening the gate of the lobby, he came inside and raised a lalkara to teach the complainant a lesson for becoming President and he threatened the complainant to kill him. With an intention to kill the complainant, he had given a blow with his axe towards the complainant and to save himself, the complainant raised his right hand and blow fell on the right hand of the complainant and he fell down. Then the accused Buntý gave three blows with the axe which hit on the right leg, ankle of left leg and on the back of the complainant. On raising hue and cry by the complainant, his wife tried to save him and the accused also caused injury on the forehead of his wife and on raising hue and cries by the complainant and his wife, the neighbourers started gathering at the spot and the accused ran away from the spot with his weapon.”

Learned senior counsel for the petitioner has argued that as per prosecution, the petitioner caused injuries upon Nirbhai Singh and his wife Gurmeet Kaur with an axe, and in the said occurrence, Nirbhai Singh suffered grievous injuries. He has invited the attention of the Court to the MLR dated 02.09.2019 (Annexure P-2) and contended that the injuries suffered by Nirbhai Singh were on the non-vital parts of his body and the doctor opined the injuries as “not dangerous to life”. The said opinion is Annexure P-3. He further submits that the injuries suffered by Gurmeet Kaur are simple in nature. According to learned senior counsel, it would be seriously debatable, if the offence punishable under Section 307 IPC would be made out or not. It is further pointed out by him that though the charges were framed on 27.01.2020, but there is no progress in the trial. He prays for bail.

On the other hand, learned State counsel assisted by ASI Binder Singh, has opposed the prayer on the ground that the petitioner is the sole accused, who allegedly committed the crime by entering the house of the victims, however, it is not disputed by him that the opinion given by the doctor does not narrate the nature of the injuries as dangerous to life.

According to learned State counsel, no prosecution witness has been examined so far.

After hearing the learned counsel for the parties and considering the background of this csae, this Court finds that though the investigation of the case is complete, but the trial is yet to commence, as no prosecution witness has been examined till date. The petitioner is presently confined in judicial custody after his arrest on 03.09.2019 and his further detention may not serve any useful purpose, paticularly when there does not seem to be any possibility of winning over the material witnesses, who are either the injured persons or official witnesses.

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/Duty Magistrate Bathinda.

The petition is allowed.

15.02.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No