

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.43755 of 2021
Date of Decision: October 28, 2021

Jaspreet Singh @ Jassu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Onkar Rai, Advocate,
for the petitioner.

Mr.Ramandeep 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.22 dated 02.04.2021, under Sections 323, 324, 435, 427, 148, 149 IPC, 1860 and Section 326 IPC (added later on), registered at Police Station, Bilga, District Jalandhar, who is in custody since his arrest on 15.05.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Jalandhar in his order dated 08.06.2021, are as under:-

“.....The brief facts of the prosecution case are that the FIR in question has been registered on the basis of statement of complainant Parminder Singh alias Lucky son of Rajinder Kumar, resident of Village Gorssian Peeran, PS Nurmahal, District Jalandhar. As per his statement he is doing the work of floor tiles/stone(mason). On 31.03.2021, as usual, he had gone to take his colleague Akashdeep-Mason on his motorcycle No.PB-08CT-1640 from the village. After taking Akashdeep with him, when he came out of his village, then Sonu alias

Chandi and Lattu residents of Talwan along with one unknown person met them who were on their motorcycle. Sonu @ Chandi told him(complainant) that they have to go for some work and he(complainant) & Akashdeep should also accompany them and then, he(complainant) and Akashdeep followed the motorcycle of Sonu alias Chandi and they took them to village Gadhre near Sutlej river. After reaching there, Sonu @ Chandi asked him to wait there and he would Varun Nagpal ASJ/Jalandhar Dated 08.06.2021 4 Ranjit Singh @ Sonu and another Vs State of Punjab come back after going to the house. After some time, Sonu @ Chandi, Lattu and unknown person one motorcycle and on the other motorcycle Jassu and Dil resident of Talwan, all armed with datters came there. Sonu alias Chandi after alighting from the motorcycle gave datter blow on his head, but he (complainant) raised his left arm to save himself due to which datter blow hit on his arm. Then Sonu alias Chandi gave second blow of datter which also hit on his left arm. Then, Lattu gave datter blow which also hit on his left arm. Akashdeep tried to rescue him, upon which Sonu alias Chandi asked him to go back otherwise he would also be treated in the same manner. Then, he (complainant) became unconscious and could not know who gave him datter blows and on what body part by which accused. He raised raula mar ditta mar ditta. Sonu @ Chandi burnt his(complainant) motorcycle and on seeing the people collecting there, all the accused fled away from the spot on their motorcycles with their respective weapons. Akashdeep telephonically called his(complainant's) father, who reached at the spot and after arranging vehicle took him to the Civil Hospital, Nurmahal from where after giving first aid, he was referred to Civil Hospital, Jalandhar and then the Civil Hospital Jalandhar further referred him to Amritsar, but they at their own got admitted at New Ruby Hospital, Jalandhar where he is undergoing treatment. The motive behind occurrence is that he had a friendship with one Neki who is

brother of Sonu alias Chandi and now he is not on talking terms with said Neki, due to which all the accused in prosecution of their common object caused injuries to him. Entire incident has been witnessed by Akashdeep. In the light of above statement of complainant, present FIR has been registered against Sonu @ Chandi, Lattu, Jassu, (present applicants/accused), Dil and one unknown person.”

Learned counsel for the petitioner has argued that no injury has been attributed to the petitioner and offence punishable under Section 326 IPC was added later on. He submits that the investigation of the case is complete as the challan stands filed on 01.06.2021. According to him, the petitioner is not involved in any other case and, therefore, he be released on regular bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Som Nath, on the ground that the offence is serious. However, it is not disputed by him that no prosecution witness has been examined so far and the petitioner is not involved in any other case. He has produced the custody certificate of the petitioner by way of affidavit of Gurnam Lal, PPS, Superintendent, Central Jail, Kapurthala.

After hearing the learned counsel for the parties, considering the above background as well as the custody of the petitioner, this court is of the opinion that the possibility of conclusion of trial in near future is extremely bleak. Admittedly, the petitioner is not involved in any other case and the material witnesses are either the injured or the police officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the

merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Jalandhar.

October 28, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No