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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40659-2020

Date of Decision: December 10, 2021

Joginder Singh @ Jaswinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Anubhav Bansal, Advocate for the petitioner.

Ms.Sakshi Bakshi, AAG, Punjab.

Mr.J.S.Brar, Advocate for the complainant.

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RAJESH BHARDWAJ, J.

Instant petition has been filed under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in case FIR No.31, dated 27.05.2019, under Sections 307, 450, 376, 511, 326, 324, 323 IPC, registered at Police Station Bariwala, District Sri Muktsar Sahib.

As per factual matrix of the case, the present FIR was registered on the statement of Malkeet Singh wherein it was stated that he had three children out of which two are daughters and one son. His daughter Manpreet Kaur is unmarried. On the day of occurrence his son had gone out of the house for labour purpose and wife had also gone to the health centre. Even the complainant had also gone for work in village. At about 11.30 a.m. when he came back, he heard the voice of his daughter Manpreet Kaur who was raising hue and cry. He saw that his neighbour Joginder Singh @ Jaswinder Singh, i.e. the petitioner, was holding a *kappa* in his

hand and was giving the blows of *kappa* on his daughter Manpreet Kaur. She raised her hands in order to save her and *kappa* blow hit her in his hand due to which thumb of his daughter got severed but the accused Joginder Singh @ Jaswinder Singh kept on giving the blows to his daughter. The petitioner, thereafter, fled away climbing the wall and he saw his daughter lying in a pool of blood. It was alleged that the petitioner had hatred towards Manpreet Kaur as he had a bad eye on her and he was pressurizing her to marry. The request was made to take action against the culprits.

Petitioner is in custody since 30.05.2019. He approached the learned Additional Sessions Judge, Sri Muktsar Sahib, for grant of bail, which was declined vide order dated 07.10.2020. Aggrieved by the same, he has approached this Court.

It has been contended by learned counsel for the petitioner that he has been falsely implicated in this FIR and is behind bars since 30.05.2019. It has been contended that the material witnesses have been examined and hence the petitioner deserves to be enlarged on bail.

On the other hand, counsel for the complainant has vehemently opposed the prayer made by the counsel for the petitioner. It has been contended that the petitioner has mercilessly attacked innocent young girl and caused several injuries to the extent that she lost her hand in the attack opened by the petitioner. He prays that no mercy should be shown to the petitioner for his conduct.

Learned State counsel has opposed the prayer made by the counsel for the petitioner tooth and nail. It has been submitted that the petitioner attacked the daughter of the complainant in a day light. He caused

in all 14 grave and serious injuries to the daughter of the complainant and

her right arm was chopped off from above the right wrist. She has contended that out of 19 prosecution witnesses, 06 have been examined and the trial is going on. She submits that the petitioner deserves no leniency and thus, the bail be declined.

Heard.

It is apparent from the arguments raised and from the record that the petitioner has caused 14 injuries to the daughter of the complainant in which she had lost her right arm. Granting bail to the petitioner can definitely hamper the ongoing trial and thus, in the overall facts and circumstances, this Court is not inclined to exercise its discretion in favour of the petitioner.

Resultantly, the bail petition is dismissed.

However, learned trial Court is requested to expedite the trial.

December 10, 2021
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(RAJESH BHARDWAJ)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No