

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

206+105

CRM-M-9456 of 2022 (O&M)

DECIDED ON: 22nd November, 2022

Jeet Singh @ Jeeta @ Balvir Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Salil Dev Singh Bali, Advocate for petitioner.

Mr. APS Tung, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This is second petition seeking regular bail in case of FIR No. 173 dated 22.11.2020, under Sections 324, 323, 34 IPC, 1860 and offence under Sections 307, 326, 308 IPC was added lateron. (Offence under Section 308 IPC was deleted) registered at Police Station Kulgari, District Ferozepur.

Earlier petition under Section 439 Cr.P.C. was dismissed as withdrawn on 11.11.2021 with liberty to revive the prayer.

The brief facts are that FIR was registered against Jeet Singh @ Jeeta @ Balvir Singh (petitioner) and others on the statement of complainant Rashpal Singh. According to him on 21.11.2020, he and his brother Darbara Singh were returning home when Mukhtiar Singh and petitioner were hurling abuses to the ladies. Amarjit Singh, Mukhtiar Singh were carrying kirpan and spade respectively. When Darbara Singh interfered, petitioner inflicted injuries with *Kanga* (Pitchfork) on head of Darbara Singh and on the head of complainant. After getting the medical opinion, Section 307 IPC was added.

Learned counsel for the petitioner submits that the petitioner is in custody since 21.1.2021. All the material witnesses including the injured and complainant have been examined. He contends that in the medical opinion, the injury attributed to the petitioner was declared dangerous to life, only if not timely treated. He submits that in such circumstances Section 307 IPC cannot be invoked. He further relies upon the fact that co-accused was granted bail by this Court.

Learned State counsel opposes the prayer and on instructions from Raj Singh submits that the petitioner had given two blows on the head of Darbara Singh and one on head of complainant. He on instructions, fairly submits that the petitioner is not involved in any other case.

Without commenting upon the merits of the case, considering that though investigation is complete conclusion of trial is likely to take time, petitioner has no criminal antecedents and it is a debatable issue as to whether Section 307 IPC can be invoked or not, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

22nd November, 2022
reema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>