

CRM-M-19061-2022 (O&M)

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

CRM-M-19061-2022.
Decided on : July 06, 2022.

Jaspal Singh @ Mastaan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.P.S.Hundal, Sr. Advocate, with
Ms.Daljit Kaur, Advocate, and
Ms.Gurkirat Kaur, Advocate, for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

Mr.Saurab Bhatia, Advocate, and
Mr.Jagroop Singh Chahal, Advocate,
for the complainant.

VIKAS BAHL, J. (ORAL)

This is the first petition filed under Section 439 Cr.P.C.,
praying for the grant of regular bail to the petitioner in FIR No.08 dated
2.2.2022, under Sections 307, 452, 323, 341, 506, 148 and 149 IPC,
(offence under Section 325 IPC added later on) registered at Police Station

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Banur, District S.A.S. Nagar (Mohali).

Learned senior counsel for the petitioner has submitted at as per the FIR, although the petitioner was accompanied by 10-12 persons, however, it is the petitioner alone against whom the challan has been presented and neither the names of 10-12 persons have surfaced in the investigation nor any proceedings have been initiated against the said persons.

It is submitted that as per the case of the prosecution only 3 injuries have been suffered by the complainant out of which, one injury is an abrasion and thus, from the said fact alone, it is apparent that the version given by the complainant is an exaggerated version. It is also pointed out that there is a specific attribution to the petitioner with respect to an injury having been given on the right ankle with a rod, however, as per the MLR, there is no injury suffered by the complainant on the right ankle. It is argued that the complainant was discharged on the same day as is apparent from the certificate issued by the Govt. Medical College and Hospital, Sector 32, Chandigarh, (Annexure P-2) which would show that the complainant was admitted on 1.2.2022 and was discharged on the same day and the said fact along with the fact that there is no opinion of the doctor declaring any injury to be dangerous to life, would show that offence under Section 307 IPC, is not made out in the present case. It is also submitted that the petitioner had suffered an injury at the hands of the complainant party in an earlier incident and on account of the same, a major fracture was suffered by the petitioner

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on his right arm on account of which, steel wires and steel nails had to be permanently inserted and he was also operated upon on account of the same and he is handicapped and thus, the question of his inflicting injury in question does not arise. It is further pointed out that the petitioner has been in custody since 7.2.2022 and the investigation of the case is complete and challan has already been presented and there are 19 witnesses and none of the witnesses have been examined and thus, the trial is likely to take time.

Learned State counsel as well as the learned counsel for the complainant have opposed the grant of regular bail to the petitioner and have submitted that the fact that there was an earlier incident in the year 2021, would show that the petitioner had the motive to attack the complainant. It is further submitted that the injuries have been caused on the head and the collar bone and both are on vital parts of the body and offence under Section 307 IPC, thus, stands attracted. It is also submitted that there is every possibility that in case the petitioner is released on bail then he would threaten and intimidate the complainant and the prosecution witnesses. It is also submitted by learned counsel for the complainant that the complainant had to incur expenditures on medical treatment and thus, he also deserves to be compensated.

Learned Senior counsel for the petitioner, in rebuttal, has submitted that without admitting his liability/guilt, petitioner is ready to pay an amount of Rs.10,000/- (Rupees Ten Thousand only) before the trial

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Court to the complainant and has submitted that this should not prejudice the case of the petitioner, in any manner.

This Court has heard the learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 7.2.2022 and the challan has been presented and there are 19 witnesses and none of the witnesses have been examined, thus, the trial is likely to take time. The case of the prosecution is that petitioner along with 10-12 persons had attacked the complainant, however, neither the names of the said 10-12 persons have come about nor any proceedings have been initiated against any other person and the challan has been filed only against the present petitioner. The complainant, as per the medical certificate, issued by the Govt. Medical College and Hospital, Sector 32, Chandigarh, was discharged on the same day as the date on which he had been admitted in the hospital i.e., on 1.2.2022. There is no opinion of the doctor declaring any injury to be dangerous to life. Although, the petitioner has been attributed two injuries out of which, one was stated to be on the right ankle of the complainant but a perusal of the MLR would show no injury on the ankle has been mentioned in the same. It is the case of the petitioner that the petitioner had himself suffered injuries in the year 2021 and on account of the same, the petitioner's right arm was seriously fractured, as a result of which, he had to be operated upon and steel wires and steel nails were permanently inserted

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because of which, he is handicapped. All the said issues/questions would be finally adjudicated upon during the course of trial.

Keeping in view the above said facts and circumstances, the present petition is allowed and it is ordered that the petitioner shall be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case. Petitioner is directed to deposit an amount of Rs.10,000/- before the trial Court on or before the next date of hearing and the trial Court is directed to release the same to the complainant. Deposit of amount of Rs.10,000/- would not be construed as an admission of guilt or liability on the part of the petitioner.

It is made clear that in case the petitioner tries to threaten or influence any witness, it would be open to the State to move an application for cancellation of bail.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

July 06, 2022.
raj arora

(VIKAS BAHL)
JUDGE

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