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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.20650 of 2022 (O&M)

Date of decision: 18.05.2022

Jaspal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Manu Loona, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.205 dated 29.07.2021, for offence punishable under Sections 324, 34, of the Indian Penal Code, 1860 (in short 'IPC') (Sections 307, 326 IPC added later vide Rapat No.28 dated 17.10.2021) registered at Police Station Sadar Fazilka, District Fazilka.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Baljeet Singh, he along with his brother Ranjit Singh and mother Veero Bai, had come to home when Akashdeep Singh called him in the street and asked him to accompany him. He walked along with Akashdeep Singh and his brother followed him and when they reached near a bridge, the petitioner – Jaspal Singh carrying a *kappa* in his hand came in front and raised a *lalkara* to teach him a lesson for taking money from

Ramandeep Singh and gave a *kappa* blow, which hit on the left side of the head and the second blow on the left hand. When they raised voices, the petitioner ran away from the spot.

Counsel for the petitioner has further submitted that the petitioner is a first offender and he is in custody for the last 06 months and 16 days. It is also submitted that challan stands presented and charges have been framed and out of 12 PWs, no PW has been examined, so far.

Counsel for the petitioner has, lastly, submitted that though the injuries on the body of the victim were declared grievous in nature, however, the petitioner without prejudice to his right of defence, is ready to pay Rs.25,000/- to the victim towards the medical expenses.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 06 months and 16 days; challan stands presented; the custodial interrogation of the petitioner is not required; out of 12 PWs, no PW has been examined, so far and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

This will however, be subject to the condition that the petitioner will hand over a demand draft of Rs.25,000/- favouring the victim towards the medical expenses, at the time of furnishing

bail/surety bonds, without prejudice to his right of defence.

It will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

18.05.2022
yakub

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