

(220) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23110-2022

Date of Decision: 23.08.2022

Jagdish

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Yash Dev Kaushik, Advocate
for the petitioner.

Ms. Dimple Jain, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.95 dated 06.02.2022 registered under Sections 323, 307 IPC and Sections 3(1)(r)(s), 2(2) (Va), 3(2)(v) of SC and ST Act, 1989 with Police Station Ladwa, District Kurukshetra.

2. The present FIR came to be registered at the instance of Deepak Kumar son of Sh. Mahender Singh, who stated that he and his father Mahender had asked the accused/petitioner Jagdish son of Pritam to remove an iron channel, which had been affixed by Jagdish near the shop of the complainant. On being asked to remove the said channel, the petitioner and his son Gursewak abused them and used caste related words. Jagdish gave iron rod blows on the person of the complainant and his father Mahender. Similarly, Gursewak also gave injuries on the person of Mahender. Meanwhile, when other persons came to the spot, the accused went away and

the petitioner and his father were taken to the hospital for treatment. During investigation Gursewak was exonerated.

3. The learned counsel for the petitioner *inter alia* contends that the allegation in the FIR are baseless. In fact, the petitioner himself has received injuries in the occurrence, which took place on the spur of the moment without any provocation. Section 307 IPC was added later and the brother of the petitioner namely, Joga Singh had filed a complaint to register a cross-case against five persons but no action had been taken against the present complainant party. He contends that the petitioner has been in custody since 08.02.2022, the challan stands filed and since none of the 19 prosecution witnesses have been examined so far, therefore, the petitioner deserves the concession of regular.

4. On the other hand, the learned State counsel submits that the petitioner is the only accused. The injuries attracting Section 307 IPC have been attributed to him. Therefore, he does not deserve the concession of regular bail.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner has been in custody since 08.02.2022. None of the 19 prosecution witnesses have been examined so far and therefore, the trial of the present case is not likely to be concluded in the near future. The petitioner has also received simple injuries. It would be a matter of adjudication during trial as to whether an offence under Section 307 IPC is made out or not. Therefore, the further incarceration of the petitioner is not required. Moreso, when the injured was discharged from hospital and is now stated to be in good health.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jagdish S/o Pritam Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

23.08.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No