

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26710-2022
Date of decision : 15.09.2022

Jeeta Singh @ Jeet Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.N.S.Swaitch, Advocate
for the petitioners.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioners in FIR no.0134 dated 27.07.2021 registered under Sections 308, 323, 34 IPC (Section 325 IPC added later on) at Police Station Sardulgarh, District Mansa.

Learned counsel for the petitioners has submitted that in the present case the alleged incident had taken place on 21.07.2021 and thereafter the first statement was recorded by the complainant on 22.07.2021 and thereafter, a supplementary statement of the complainant was recorded on 27.07.2021 on the basis of which, the FIR in question has been registered. It is further submitted that petitioner no.1 has been allegedly attributed two injuries namely on the right bicep and left elbow of the complainant and both injuries have been declared to be simple in nature. It is further submitted that petitioner no.2 has been attributed two

submitted that the injury on the forehead has been declared to be simple in nature whereas the injury on right shoulder has been declared to be grievous in nature. It is further submitted that both the petitioners were stated to be armed with stick and the petitioners have been in custody since 29.07.2021 and there are 14 witnesses and none of whom, have been examined and thus, the trial is likely to take time. It is further submitted that the petitioners are not involved in any other case and the dispute in the present case is between relatives.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioners along with a third person had inflicted five injuries upon the injured/complainant Charanjit Singh out of which, one injury i.e., injury no.2 has been declared to be grievous in nature and one injury has been inflicted on the head of the complainant i.e., injury no.1. The other facts have, however, not been disputed.

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

Both the petitioners have been in custody since 29.07.2021 and there are 14 witnesses and none of them have been examined, thus, the trial is likely to take time. The petitioners are stated to be not involved in any other case. The FIR in the present case has been registered on the supplementary statement of the complainant made on 27.07.2021 and the incident has been taken place on 21.07.2021 and first statement of the complainant was recorded on 22.07.2021 and petitioner no.1 has been attributed two injuries i.e., on the right bicep and left elbow and both were declared to be simple in nature and two injuries have been attributed to

petitioner no.2 i.e., on the right forehead and right shoulder of the complainant and the injury on right shoulder has been declared to be grievous in nature. The sticks have already been recovered and no purpose would be served by keeping the petitioners in further incarceration.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to them not being required in any other case.

However, it is made clear that in case, any act is done by the petitioners to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioners.

Nothing stated above shall be construed as a final 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 petition.

(VIKAS BAHL)
JUDGE

September 15, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No