

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

214

CRM-M-27498-2022
Date of decision : 16.11.2022

Jarnail Singh @ Jaila

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

Ms. Prabhjot Kaur, Advocate for
Mr. Barjinder Singh, Advocate
for the complainant.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.106 dated 16.05.2015 registered under Sections 323, 324, 325, 307, 506 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station City Kapurthala, District Kapurthala.

Learned counsel for the complainant filed power of attorney in the Court today which is taken on record.

The above-said FIR was registered on statement of complainant-Harpreet Singh alleging that on 14.05.2015 at about 08:30 p.m. Mandan Chopra @ Makhan along with other accused persons came to his shop and inflicted a Datar blow on the backside of his head.

Sukhwinder Singh @ Sonu gave Datar blow on his right ear, Jarnai Singh @ Jaila (petitioner) gave Datar blow on his head, Sharanjit Singh gave baseball bat blows upon him and one unidentified person also gave Dang blow upon him. When the complainant raised hue and cry, Mandan Chopra @ Makhan took out a Revolver and showed to him and threatened him that if he raised Roula, he would be killed. Thereafter, accused fled from the spot.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Initially, the petitioner was found innocent in an inquiry conducted by DSP, Sub Division, Kapurthala and after 03 years the petitioner was summoned as additional accused under Section 319 of the Cr.P.C. to face trial. The petitioner was declared a proclaimed person vide order dated 10.04.2019 and he was arrested on 20.05.2022 and since then he is in custody. The injury attributed to the petitioner is to be declared simple in nature. Co-accused Madan Chopra @ Makhan, Sukhjinder Singh and Sharanjit Singh have already been granted bail by the trial Court vide orders dated 17.08.2016, 07.12.2015 and 21.12.2015, respectively. The matter has already been compromised between the parties. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel opposed the present petition in terms or status report dated 08.10.2022 which is already taken on record.

Learned counsel for the complainant admits the factum of

compromise.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that the co-accused Madan Chopra @ Makhan, Sukhjinder Singh and Sharanjit Singh have already been granted bail by the trial Court, the matter has been compromised between the parties and also the fact that the trial likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

The petitioner-Jarnail Singh @ Jaila is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

16.11.2022

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No