

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

206

**CRM-M-31464-2021
Date of decision: 11.03.2022**

JUBRAJ SINGH RANA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Ms. Satpreet Grewal, Advocate
for Mr. Tarun Singla, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent.

SANT PARKASH, J. (ORAL)

*(The case has been taken up for hearing through video
conferencing.)*

Prayer in this petition under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 36 dated 04.05.2021 registered under Sections 307, 323, 324, 148 and 149 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Bilga, District Jalandhar Rural to which Section 326 of the IPC was added later on.

The present FIR was lodged on statement of complainant Sunny Kumar who in his statement has alleged that on 01.05.2021, he along with injured Simranjit Singh @ Sodhi were returning back to their house. On reaching near the intersection of village post office, they saw some people of the village having arguments between each

other over some issue. Then, the present petitioner along with other co-accused armed with deadly weapons came at the spot. Co-accused Onkar Singh raised *lalkara* to catch hold of Simranjit Singh @ Sodhi and not to spare him. The present petitioner with an intention to kill inflicted *dattar* blow upon injured Simranjit Singh @ Sodhi which hit him on his head. Thereafter, the petitioner gave another *dattar* blow on the head of injured Simranjit Singh @ Sodhi. Co-accused Gaurav gave *dattar* blow on right elbow of the injured. The injured Simranjit Singh @ Sodhi fell on the ground. The complainant came forward to rescue the injured then co-accused Manny gave baseball bat blow upon his (complainant) right flank. On raising alarm by the complainant, the assailants fled with their respective weapons.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Satinder Singh, IPS, Senior Superintendent of Police, District Jalandhar (Rural) on behalf of respondent/State which is taken on record.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. There is unexplained delay of almost three days in lodging of the present FIR. The present FIR has been lodged by the complainant after due deliberations and concoctions. Co-accused Gaurav @ Harjinder Rana who is alleged to have inflicted *datar* blow on the person of injured Simranjit Singh @ Sodhi has already been granted regular bail by the Principal Magistrate Juvenile Justice Board, Jalandhar. Co-accused

Onkar Singh and Manny Ram have already been granted interim anticipatory bail by this Court vide orders dated 20.05.2021 and 19.07.2021, respectively and the same have been made absolute vide order dated 14.09.2021. The petitioner is in custody since 08.06.2021. Nothing is to be recovered from the petitioner and the trial is likely to take long time. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel opposed the submissions of learned Counsel for the petitioner and has submitted the petitioner is attributed to have inflicted two injures upon the injured Simranjit Singh @ Sodhi out of which injury No. 1 has been declared as grievous and dangerous to life. In view of the gravity and nature of accusation, the petition for grant of regular bail may be dismissed.

Having considered the facts and circumstances of the case, the period of custody of the petitioner, co-accused Harjinder Rana, Onkar Singh and Manny Ram have already been granted bail and the fact that the trial is likely to take long time but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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