

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30708 of 2022

Date of Decision: 08 .09.2022

Jasbir Singh @ Jora Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Kunal Vinayak AAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.9 dated 31.01.2021, under Sections 307, 427, 148, 149 of the IPC and 25, 27 of the Arms Act, registered at Police Station Kabirpur, District Kapurthala.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 18.05.2022. He submitted that it is a case where the FIR was lodged on 31.01.2021 and thereafter during the course of investigation, the petitioner alongwith one more co-accused namely Jabarjang Singh were declared as innocent by the police since they had no role to play and a thorough inquiry/investigation was conducted by the DSP but thereafter when the matter went to the SP then for the reasons best known to him, he had directed the presentation of challan against the petitioner as well. He further submitted that the other co-accused Jabarjang Singh has been granted interim anticipatory bail by this

Court and the petitioner was arrested on 18.05.2022. He further submitted that even otherwise also as per the prosecution story the injury was caused by way of fire arm by one Inderjit Singh @ Gora and so far as the present petitioner is concerned, even as per the prosecution he was holding a baseball bat by which he inflicted injury and damaged the motorcycle of the complainant. He further submitted that now the investigation has been completed and no recovery is to be effected from the petitioner and the petitioner is not involved in any other case and has clean antecedents, therefore he may be considered for grant of regular bail.

On the other hand, learned counsel appearing on behalf of the State of Punjab has filed the custody certificate which shows that the petitioner is in custody for the last 3 months and 17 days and he is not involved in any other case. He submitted that it is correct that earlier the petitioner was exonerated at the time of investigation but thereafter with the recommendation of the Superintendent of Police, challan was presented against him. He further submitted that it is also correct that the investigation of the case has been completed and no recovery is to be effected from the petitioner.

I have heard the learned counsel for the parties.

The petitioner is in custody for the last three months and seventeen days. He is not involved in any other case as per the custody certificate. Since the investigation of the case has already been completed and as per the prosecution story itself, the injury caused to the injured was by way of a fire arm caused by one Inderjit Singh @ Gora and so far as the present petitioner is concerned, the role attributed to him was giving blow by way of a baseball bat.

In view of the aforesaid position, it is also not the case of the State nor

it has been argued by the learned State counsel that in case the petitioner is released on bail, then he may abscond from justice and influence any witness or tamper with any evidence.

Therefore, considering the aforesaid facts and circumstances of the case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 08, 2022
dinesh

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