

CRM-M-32666-2022 (O&M)
Date of decision-15.11.2022

Paramjit Singh @ Goldy

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jasmeet Singh Ghumman, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

Mr. V.S. Rana, Advocate for
Mr. Gulzar Mohd., Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.152 dated 31.08.2021, registered under Sections 307, 323, 324, 341, 427, 506, 148 and 149 of Indian Penal Code, 1860 at Police Station Division No.5, Police Commissionerate Jalandhar. The petitioner is in custody since his arrest on 27.10.2021.

The contents of the FIR as noticed by the learned Additional Sessions Judge, Jalandhar in order dated 16.06.2022 read as under:-

“Brief facts of the prosecution case are that the aforesaid FIR was registered on the statement of one Fazlu Rehman son of Ali Javed with the allegations that on 31.08.2021 at about 9.15 AM, he alongwith his father Ali Javed was going on his motorcycle in connection with

some domestic work. When they reached near street No.2 of Guru Nanak Nagar, Paramjit Singh @ Goldy (present applicant/accused) alongwith 5/6 unknown persons came there armed with sharp edged weapons. Accused persons stopped their motorcycle and started abusing them. Applicant/ accused caught hold of his father from his neck and pushed him down from the motorcycle and started threatening to kill him. Thereafter, applicant/accused gave a datar blow towards the head of his father with an intention to kill him and his father raised his left arm to save himself. The datar blow fell on the hand of his father, who fell down on the ground. While his father was lying on the ground, applicant/accusedParamjit Singh @ Goldy gave several datar blows on his person. One of the unknown persons also gave him beatings and he fled away from the spot and raised an alarm. On hearing him, people started gathering near the spot and applicant/accused alongwith unknown persons fled away from the spot alongwith respective weapons. Motive behind the occurrence was that some months prior to the occurrence, Balwinder Kaur, daughter of applicant/accused-Paramjit Singh @ Goldy, had performed love marriage with Asif son of Rais Ahmed and at that time, his father Javed Ali had helped said Asif. Due to that, applicant/accused had caused injuries to his father and had damaged their motorcycle and helmets.”

Learned counsel for the petitioner contends that as per the allegations, 5-7 unknown persons attacked the injured, namely, Ali Javed, who had suffered multiple injuries, but the said injuries are on non-vital parts of the body, therefore, it would be debatable if the offence punishable under Section 307 IPC is actually attracted. He submits that the investigation of the case is complete, but the trial is likely to consume considerable time.

He submits that as per the final report submitted by the police, the petitioner is the only accused and the motive explained by the complainant is that the injured facilitated the marriage of petitioner's daughter with a Muslim boy. He further states that the petitioner has lost his mother on 14.11.2022. He prays for bail.

The prayer is opposed by the learned State counsel assisted by HC Kulwant Singh as well as learned counsel for the complainant, who have argued that in all, 9 injuries were caused to the victim and the petitioner had inflicted '*datar*' blow to the victim. Learned State counsel, on instructions, further states that charges were framed on 08.07.2022, but out of total 9 prosecution witnesses, only 1 witness has been examined so far. Learned State counsel has produced the custody certificate of the petitioner, which indicates that the petitioner is involved in a few other cases, however, he is on bail in all cases except in case FIR No.94, dated 09.05.2021, under Section 436 of IPC, Police Station Division 5, Jalandhar. He, on instructions, further states that indeed the petitioner's mother died on 14.11.2022.

At this stage, the learned counsel for the petitioner has pointed out that the offence punishable under Section 307 IPC was wrongly added in this FIR only on the ground that the petitioner aimed '*datar*' towards the head of the injured, which was warded off by him, resulting in an injury on his hand. He further states that in FIR No.94 dated 09.05.2021 also, the petitioner stands released on bail vide order dated 09.12.2021, and has produced the photocopy of the said order.

After hearing the learned counsel for the parties, this Court finds that the trial is progressing at a slow pace and admittedly, the petitioner is presently confined in judicial custody since 27.10.2021, therefore, his

the material witnesses are injured, his close relative or official witnesses, and at present, there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

15.11.2022
geeta

(MANOJ BAJAJ)
JUDGE

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