

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.211

CRM-M-38915-2021(O&M)
Date of decision: 05.05.2022

JASPAL SINGH ALIAS BHATTI

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. A.S Manaise, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. A.P.S Rehan, Advocate
for the complainant.

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VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.0079 dated 08.05.2021 under Sections 307, 326, 341, 452, 323, 148 and 149 of Indian Penal Code, 1860 (hereinafter referred to as 'IPC') registered at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner *inter alia* contends that as per the version of the prosecution, the petitioner is alleged to be armed with a dattar and have caused injury to Navjot Singh, which hit him on the back side of his right ear and a second injury with the dattar is stated to have been caused on the head of Navjot Singh. It is also pointed out that the injury

No.1 i.e. the injury on the back side of the right ear of injured Navjot Singh

was assessed to be dangerous to life and second injury was assessed as grievous in nature.

Learned counsel for the petitioner points out that the petitioner has been in custody since 09.05.2021 and that even though the investigation of the case is complete, however, no evidence has been recorded so far. There are a total of 18 witnesses to be recorded and that the pace of the trial is slow. He further submits that the co-accused namely Ranjit Singh @ Sonu was granted the concession of regular bail by this Court, vide order dated 05.08.2021, passed in CRM-M No.26588 of 2021.

Learned State counsel submits that petitioner is the main accused and the injury attracting Section 307 IPC is attributed to the petitioner.

Learned counsel for the complainant has contended that the petitioner had caused the injuries on the person of Navjot Singh and that he is still not fully recovered. It is pointed out that a report from the Neurology Department, PGIMS, Chandigarh with respect to the nature of injury was sought for by this Court, vide order dated 06.04.2022.

Status report has been filed today in the Court, a copy thereof has been handed over to learned counsel for the parties. As per the status report, the said status has not come forth. He submits that in the event of concession of bail granted to the petitioner, there is every possibility that petitioner might tamper with the prosecution evidence and will exert pressure on the said witnesses not to depose against him.

I have heard learned counsel for the parties and have gone through the documents appended by learned counsel for the petitioner. A perusal of the status report shows that the Medical Superintendent of

PGIMS, Sector 25, Chandigarh had examined Navjot Singh and he was assessed for neurological status and deficits. The patient was referred to ENT clinic and with respect to the nature of injury, it was stated that the doctor who had treated the patient immediately after the injury needs to be contacted. Invariably, the said treating doctor had opined the injury to be dangerous to life.

Even, though the petitioner happens to be the main accused and is alleged to have caused injury under Section 307 IPC, however, it is also undisputed that the trial has not made much progress and that the evidence in the case has not commenced so far.

Insofar as the objection of the learned counsel for the complainant regarding the petitioner interfering in the process of administration of justice is concerned, such apprehension is misplaced and is not substantiated by any cogent evidence. There is nothing on record to suggest that any attempt has been made on behalf of the petitioner or members of his family to threaten the witnesses or to win them over so as to dissuade them. Further, in the event of the petitioner indulging in any such activities, it would always be open to the prosecution as well as the complainant to move an appropriate application in accordance with law for seeking cancellation of bail. An accused cannot be confined in perpetuity as right of speedy trial and expeditious adjudication of a criminal case is inherent and integral part of Article 21 of the Constitution of India. It cannot be proposed by the Court of law that even though the trial may not progress, yet, an accused has to remain confined to custody. This Court cannot lose sight of the fact that the offence under Section 307 IPC has been attracted on account of the injury on the person of Navjot Singh (victim)

herein, and that eventually the guilt shall be established and the person shall be punished. However, pending final determination of the guilt, continued custodial detention and incarceration of petitioner under the garb of the victim having not fully recovered may not be justified.

In view of the facts noticed above, the trial has not commenced and that the petitioner has already undergone an actual custody of nearly one year and that the offence pertains to Section 307 IPC.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

05.05.2022
Amandeep

(VINOD S. BHARDWAJ)
JUDGE

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