

CRM-M-34768-2022

Date of decision: 16.08.2022

JARNAIL SINGH @ JAILA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nikhil Kumar Vashisht, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Jarnail Singh @ Jaila-petitioner is seeking regular bail in the case bearing FIR No.124 dated 02.07.2020 under Sections 341/307/452/354/323 / 325/148/149/201 IPC, registered at Police Station Garshankar, District Hoshiarpur.

Briefly, the FIR has been registered on the basis of the statement of Amritpal Singh wherein it has been alleged that the petitioner along with their co-accused had inflicted injuries upon him, his mother Sukhwinder Kaur and sister Rajinder Kaur.

Learned counsel for the petitioner contends that the injuries by means of brick on the right side of head and back side of the neck of the complainant have been attributed to the petitioner. Furthermore, he has also allegedly caught hold the sister of the complainant, given blow on her mouth and dragged her outside the house. There are 10 persons who have been nominated as accused in the instant case, 07 of them have been released on bail and 02 persons are absconding. The petitioner is in custody since 05.08.2021 and is not involved in any other case. The investigation of the case is complete, the challan has been

examined till date. The injured have been discharged from the hospital and are hale and hearty.

Learned State counsel has not assailed the aforesaid factual aspects but has opposed the bail application primarily on the score that there were 12 injuries on the person of mother of the complainant, 07 injuries on the person of Sukwinder Kaur and 04 injuries on the person of Amritpal Singh. Furthermore, the injury under Section 307 IPC on the head of Amritpal Singh has been attributed to the petitioner.

Be that as it may, the petitioner along with the co-accused had arrived at the place of occurrence unarmed. He had inflicted injuries by means of brick which was lifted from the place of occurrence. The petitioner is in custody for a period exceeding 01 year and is not involved in any other case. The injured have been stated to be discharged from the hospital and are hale and hearty. The investigation of the case is complete, the challan has been presented in the Court and the charge has been framed but no witness has been examined till date. The conclusion of the trial is likely to take some time. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

16.08.2022
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(VIVEK PURI)
JUDGE

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