

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

201

**CRM-M-39379-2021
Date of decision: 11.02.2022**

JASMER SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

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

Present : Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

Mr. Vivek Goyal, Advocate
for the complainant.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.54 dated 11.02.2021 under Sections 307, 324, 506 of the IPC (Section 326 of the IPC added later on) registered at Police Station Thanesar City, District Kurukshetra.

Learned counsel for the petitioner *inter alia* contends that the petitioner is aged more than 90 years and has been in custody since 11.02.2021. The injury on the person of the complainant is on the leg. It is submitted that the same would not make out a case under Section 307 IPC and would be at best a case under Section 326 IPC. It is further submitted that the petitioner is no longer required for investigation of the case.

Learned State counsel on instructions from SI Prem Chand has contended that the matter is fixed before the Illaqa Magistrate on 24.02.2022 and an SIT has also been constituted, which is looking further into the case. It is, however, not in dispute that the petitioner is in judicial custody and nothing is to be recovered from the petitioner. It is further submitted that the petitioner was accused in six other cases; however, petitioner stands acquitted in four cases and in one case he had been convicted for 01 year, which he has already undergone and in another case he was released on probation of 06 months. No other case is pending against the petitioner as on date.

Mr. Vivek Goyal, Advocate appearing on behalf of the complainant vehemently argues that the petitioner had opened attack on the complainant, who is 75 years old and is a practising lawyer. The attack was carried out within the Court premises. He places reliance upon the photographs to submit that the petitioner came from behind duly armed with *gandasi* aiming towards the head of the complainant. The injury was however suffered on the leg by a matter of chance and the complainant could save his head.

Be that as it may, considering that the petitioner is more than 90 years of age and has already been in custody since 11.02.2021 and the case has not made much progress and still in initial stages, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on 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.

(VINOD S. BHARDWAJ)
JUDGE

February 11, 2022
S.Sharma(syr)

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