

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

CRM-M-36098-2022 (O & M)

Date of decision: 23.08.2022

Jugraj Singh @ Gaja

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bikramjeet Singh Jatana, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner-Jugraj Singh @ Gaja in case FIR No.0141 dated 20.12.2021 under Sections 452, 324, 506, 148 and 149 IPC and Section 326, 120-B IPC (added later on) with Police Station Barnala, District Barnala.

2. The present FIR came to be registered at the instance of Harjit Kaur wife of Balwinder Singh, who stated that she was married to Balwinder Singh and had four children. On 20.12.2021, when her husband had left for work, then, five unknown persons knocked at the gate of the house. On opening the gate, they forcibly entered her house holding *kirchs/swords* in their hands and started giving her sword blows. Three blows struck near her elbow of the right arm and three blows were struck upon the knees of her right and left legs. Thereafter, on her shouting, the accused ran away from

the spot. The petitioner came to be arrested on 07.04.2022, based on the

statement of Balwinder Singh, husband of the complainant, which was recorded on 06.04.2022.

3. The learned counsel for the petitioner submits that the accused have not been named in the FIR and, in fact, have been named after more than three months of the occurrence. There is an unexplained delay of 08 hours in the registration of the FIR, which makes the prosecution case doubtful. Even otherwise, the case is triable by the Court of a Magistrate and as the investigation stands completed and none of 16 prosecution witnesses has been examined so far, the petitioner deserves the concession of bail. He also contends that the similarly situated co-accused of the petitioner, namely Aditya Malik has been granted the concession of regular bail by this Court vide order dated 05.08.2022 (Annexure P-2). Similarly, two other co-accused of the petitioner, namely, Harmanjeet Singh and Hardev Singh have been granted the concession of regular bail by this Court vide order dated 10.08.2022.

4. The learned counsel for the State, on the other hand, contends that the petitioner is one of the main accused and does not deserves the concession of regular bail, moreso, when injuries have been caused to a lady. The petitioner is involved in one other case i.e. FIR No.25 dated 14.03.2022 under Sections 452, 323, 506, 148, 149 and 120-B IPC registered with Police Station Barnala, District Barnala and has been granted the concession of regular bail therein. He, however, does not deny the fact that three co-accused of the petitioner, namely, Aditya Malik, Harmanjeet Singh and Hardev Singh have been granted the concession of regular bail by this Court.

5. I have heard the learned counsel for both the parties.

6. Admittedly, the petitioner is in custody since 07.04.2022. The challan stands filed and none of the 16 prosecution witnesses has been

examined till date and therefore, the trial is not likely to be concluded in the near future. Even otherwise, the case is triable by the Court of a Magistrate. In the other case against the petitioner, he has been granted the concession of bail vide order dated 22.04.2022 (Annexure P-6). Besides, three co-accused of the petitioner, namely, Aditya Malik, Harmaneet Singh and Hardev Singh have been granted the concession of regular bail by this Court vide orders dated 05.08.2022 (Annexure P-2) and 10.08.2022.

7. In view of the above, the further incarceration of the petitioner is not required. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Jugraj Singh @ Gaja is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

- (i) The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the cases mentioned in this order.
- (ii) If any attempt whatsoever is made by the petitioner and/or their family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

(JASJIT SINGH BEDI)
JUDGE

August 23, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No