

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36437-2022

Date of decision : 28.10.2022

Varinder Singh @ Vicky

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.J.S. Thakur, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.31 dated 19.03.2022 registered under Sections 323, 324, 307, 148, 149 IPC and Section 25 of the Arms Act, 1959 at Police Station Division no.1, Jalandhar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 20.03.2022 and the investigation is complete and the challan has already been presented and there are 15 witnesses and out of which, none have been examined and thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is stated that the dispute between the parties is with respect to a plot which as per the case of the petitioner, has been forcibly occupied by the complainant. It is further stated that the petitioner has a minor son namely Jaspreet Singh who is aged 3 years and has a permanent

order to show his bonafide and without admitting his liability, the petitioner is ready to pay an amount of Rs.30,000/- to the injured Jaswant Singh.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that two injuries have been attributed to the present petitioner, one on the stomach and the other on the face of Jaswant Singh which is stated to be on the left cheek of Jaswant Singh and both the injuries have been declared to be dangerous to life.

Learned counsel for the petitioner, in rebuttal, has submitted that Jaswant Singh is now hale and hearty.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 20.03.2022 and the investigation is complete and the challan has already been presented and there are 15 witnesses and out of which, none have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case and the injured Jaswant Singh is stated to be now keeping good health. The petitioner has a minor son aged 3 years, who is suffering from a permanent disability.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case and also subject to the petitioner depositing an amount of Rs.30,000/- with the trial Court within a period of two weeks from today.

The trial Court is directed to release the amount of Rs.30,000/-

deposited by the petitioner to the injured Jaswant Singh.

The payment of said amount of Rs.30,000/- to the injured Jaswant Singh would be not construed as an admission of guilt by the petitioner.

It is made clear that in case the said amount is not deposited by the petitioner in the stipulated period, then the petition shall be deemed to have been dismissed.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 28, 2022
Davinder Kumar

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