

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

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CRM-M-47975-2021(O&M)
Date of Decision : January 21, 2022

JAGDISH SINGH @ JAGGA @ JAGDEEP SAINI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Ms. Tanu Bedi, Advocate and
Mr. Munish Puri, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. B.B.S.Randhawa, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 88 dated 14.8.2021 under Sections 307/324/323/427/148/149 IPC and Section 326 IPC (added lateron), registered at Police Station Taragarh, District Pathankot.

The learned counsels for the petitioner have submitted that the petitioner is in custody from 18.9.2021 and the investigation of the case is already complete and the challan has been submitted before the competent Court under Section 173 Cr.P.C. Learned counsels submitted that it is a case where the petitioner has been falsely implicated particularly in view of the fact that even as per the allegations the accused

party had attacked the complainant party due to dispute of some land. They referred to Annexure P-2 and submitted that with regard to the dispute regarding the land which was stated in the FIR the relatives of the petitioner had filed a civil suit against the mother of the complainant for seeking declaration that they were owner in possession of the land. The said suit was decreed by the learned Civil Judge (Jr. Divn), Pathankot on 13.10.2011 in which the other co-accused have been declared to be owner in possession of the suit property. They submitted that the first appeal filed was dismissed and the second appeal is pending and there is no interim order in the aforesaid RSA and, therefore, as of today the decree dated 13.10.2011 is binding as there is no interim order against the same. They have further submitted that it is a case where the petitioner and the other co-accused had exercised their right of self defence for the property and it is yet to be ascertained at the time of the trial as to who was the aggressor party. They further submitted that although the petitioner is involved in three other cases but these three cases were pertaining to Sections 323, 324 and 506 IPC in which the petitioner is on bail and the pendency of those three cases cannot become a ground for denial of bail to the petitioner. Learned counsels submitted that even as per the affidavit filed by the State, injury attributable to the petitioner was on non-vital part i.e. right arm near the elbow and the other injury was by way of gandasi which was declared as a simple in nature. They have, therefore, prayed for the grant of concession of regular bail to the petitioner.

On the other hand, Mr. Thind, learned DAG, Punjab has

submitted that it is correct that the petitioner is in custody from 18.9.2021 and it is also correct that the investigation of the case is already complete and no recovery is to be effected from the petitioner and the challan has been presented in the competent Court. However, he has opposed the grant of bail on the ground that the matter was serious in nature because as per the allegations, the petitioner was attributed injuries to the injured person although one of the injuries was declared as simple in nature and the other injury was on non-vital part of the injured. So far as the decree passed in favour of other co-accused is concerned, the same has not been disputed as the same was a matter of record.

Mr. B.B.S.Randhawa, Advocate for the complainant has submitted that considering the past antecedents of the petitioner in which the petitioner is involved in three more cases and considering the seriousness of the case, the petitioner should not be extended the benefit of regular bail.

I have heard the learned counsels for the parties.

The petitioner is in custody from 18.9.2021 and the investigation of the case has already been completed and challan has been presented before the competent Court. It is not the case of the State that any recovery is to be effected from the petitioner. The decree which has been passed in favour of co-accused wherein they have been declared owner in possession of land corresponding with the fact that as according to learned counsel for the parties that the land is the same regarding which the present dispute has taken place would certainly be an important factor while considering the regular bail to the petitioner. It is not

disputed by any of the learned counsel for the parties that against the order passed by the Civil Judge (Jr. Divn), Pathankot on 13.10.2021 the appeal has been dismissed and RSA is pending before this Court wherein no interim direction has been issued and apart from the same, it is yet to be determined as to which party was the aggressor party. So far as the pendency of other cases against the petitioner is concerned, according to the learned counsel for the parties, the petitioner is already on bail and that cannot come in the way for the grant of bail to the petitioner. Apart from the same, it is not the case of the State in the present case that in case the petitioner is released on bail then he may influence any witness or tamper with evidence or misuse the concession of bail or may abscond from justice.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

January 21, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No