

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

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**CRM-M-50254-2021
Date of decision: 25.05.2022**

JASPAL SINGH @ KACHHU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 124 dated 18.06.2021 registered at Police Station City Sunam, District Sangrur, wherein, offences constituted under Sections 307, 341, 323, 506, 148, 149, 120-B of the IPC, are embodied.
2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 04.08.2021.
3. The present bail petitioner is alleged to, through striking the head of injured victim with an iron rod hence cause injuries thereon. The above factum is supported by the reply on affidavit, furnished to the petition, by the respondent-State.
4. Though, during the phase of the present bail petitioner

being put to custodial interrogation by the Investigating Officer concerned, and who was to then, ensure his making the recovery of the iron rod to the investigating officer concerned, but the above recovery was not, then effected to the investigating officer concerned, by the present bail petitioner.

5. Therefore, the investigating officer concerned, has added against the present bail petitioner, an offence under Section 201 IPC, and, when punishment for a charge in respect thereof, as, may become framed against the accused, and, also when evidence in support thereof, becomes adduced, thereupon, when the accused may become imposed the appropriate thereto punishment.

6. In sequel, the non makings of recovery of the incriminatory weapon of offence to the investigating officer, by the present bail petitioner, during the course of his custodial interrogation, does not work, as an obstacle for this court, to proceed to admit the present bail petitioner to regular bail.

7. However, the learned State Counsel was also asked whether the condition of the victim, in all respects is, at this stage, rather provenly completely stable.

8. In the above regard, the learned State Counsel, on instructions, from ASI Jagdeep Singh submits, that as of now, the condition of the patient-victim is completely out of danger, and, also submits that both his mental and physical condition is stable. Therefore, this Court does not deem it fit, and, appropriate to prolong the judicial incarceration of the petitioner, as, thereupons his personal liberty would

become unnecessarily fettered, and, curtailed.

9. However, the learned State Counsel vehemently opposes the grant of bail, on the ground that there is another FIR pending against him, and, in case he is admitted on regular bail, there is every likelihood of his indulging in the commission of the penal offences. However, the vigour of the afore made submission, of the learned State Counsel, before this Court, can be mitigated, by imposition of stringent conditions, upon the bail applicant-petitioner.

10. Consequently, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of Rs.1,00,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance. Further, subject to petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, he re-indulges in criminal activities, whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled, and, that, upon, his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody.

11. It is clarified that the above made observations are strictly made only for disposal of the present bail petition, and, shall not

influence in any manner, the learned trial Judge concerned as and when he/she deals with the trial of the FIR (Supra).

25.05.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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