

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-46111-2022 (O & M)****Date of decision: 08.12.2022**

Jaspal Singh @ Kalu

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kushagra Mahajan, Advocate, for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.31 dated 31.03.2022 under Sections 307, 379-B, 323, 324, 427, 452, 506, 148 and 149 IPC and Sections 325, 201 IPC (added later on) and Section 307 IPC deleted later on, registered with Police Station Tarsikka, District Amritsar.

The present FIR came to be registered on the statement of Jagroop Singh, who stated that he ran a Barber shop. While he was at his shop and cutting the hair of one Malkit Singh, then Jaspal Singh alias Kalu (petitioner), Sona Singh, Gora Singh sons of Baldev Singh (since granted bail vide order dated 09.08.2022 passed in CRM-M-34229-2022), Baldev Singh son of Amar Singh, Vishal Singh son of Dhira Singh, Gola alongwith 5-6 unidentified persons came on their motorcycles and they forcibly entered his shop. Thereafter, Baldev Singh raised a *lalkara* to catch hold of him and kill him. On this, the petitioner-Jaspal Singh, armed with *datar*,

gave a blow of *datar* with an intention to kill him, which struck on the right side of his head. Thereafter, Sona Singh gave a *datar* blow on left side of his head, Gola gave a *datar* blow from its reverse side on his left arm elbow. Thereafter, Gora Singh attacked him with the reverse side of his *datar*, which hit below his left arm elbow. He fell down and while he was on the floor, Jaspal Singh alias Kallu (petitioner) attacked him with *datar* on his right side back. Some unidentified persons also attacked him with baseball bats hitting him on his hip. Some assailants snatched his mobile phone and took away Rs.1000/- from his pocket. On raising an alarm, the assailants fled away from the spot.

Thereafter, the supplementary statement of the complainant-Jagroop Singh was recorded, as per which, a co-accused Vishal has been attributed the role of having been given a baseball bat blow on the left side of the stomach of the said Jagroop Singh.

The learned counsel for the petitioner contends that initially, the FIR was registered under Sections 307, 379-B, 323, 324, 427, 452, 506, 148 and 149 IPC and Section 325 IPC (added later on). Now the investigation stands completed and Section 307 IPC has been deleted and the challan has been submitted under Sections 379-B, 325, 323, 324, 427, 452, 506, 148, 149 and 201 IPC. He contends that no injury has been found on the person of the complainant-Jagroop Singh to be dangerous to life. He contends that the injury attributed to the petitioner is, otherwise, a simple injury on the right side of the head of the complainant. He contends that the petitioner is in custody since 11.06.2022, investigation stands completed and none of the 18 prosecution witnesses has been examined so far. Since the trial of the case is not likely to be concluded in the near future, he, therefore, prays for the

The learned State counsel, on the other hand, submits that the petitioner is a part of the unlawful assembly that committed the offence in question. He, therefore, does not deserve the concession of bail. He, however, admits that the injury specifically attributed to the petitioner is a simple injury on the person of the complainant.

I have heard the learned counsel for both the parties.

Admittedly, the petitioner is in custody since 11.06.2022 and as many as 18 prosecution witnesses have been cited in the list of witnesses. None of them has been examined so far, and therefore, the trial of the present case is not likely to be concluded in the near future. As such 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, Jaspal Singh @ Kalu is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

December 08, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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