

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.217

CRM-M-5380-2023

Date of decision: 04.05.2023

Jasveer Singh @ Jassi Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sanyam Bhardwaj, Advocate
for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab.

Mr. M.K. Singla, Advocate
for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0127 dated 19.10.2022 registered under Sections 341, 324, 34 and 506 IPC (Sections 325 and 308 IPC added later on) at Police Station Dirba, District Sangrur.

2. Briefly stated, the case of the prosecution is that on 17.10.2022, the petitioner, alongwith co-accused Lal Singh and Naib Singh, attacked the complainant – Pala Singh and in course of such assault Lal Singh inflicted a blow with a Takua on the backside of the complainant's head and the petitioner gave a blow with an iron rod on his left shoulder as also Naib Singh gave a blow with a stick on the complainant's left arm. Thereafter, when the complainant fell down, the petitioner and his co-

accused inflicted kick blows on him after which, on the raising of alarm by the complainant, the petitioner and his co-accused fled from the spot alongwith their respective weapons.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case on account of a land dispute between the petitioner and the complainant; the petitioner is in custody since 01.01.2023; the petitioner has no other criminal antecedents; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the petitioner is attributed a grievous injury on the non-vital part of the complainant's body; the injury which attracts the applicability of Section 308 IPC is attributed to co-accused Lal Singh and that the petitioner's trial, as and when it begins, will take a long time to conclude.

4. Learned State counsel as also learned counsel for the complainant oppose the grant of bail to the petitioner on the ground that the petitioner and his co-accused inflicted two grievous and one simple injury on the complainant which include an injury attracting the applicability of Section 308 IPC.

5. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

6. As to whether the petitioner has been falsely embroiled in the case on account of a land dispute between the petitioner and the complainant shall be debated during the course of the petitioner's trial. Nonetheless, the petitioner is in custody since 01.01.2023; the petitioner has

no other criminal antecedents; the injury attributed to the petitioner is on the non-vital part of the complainant's body; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same and that the petitioner's trial, as and when it begins, is likely to take a long time to conclude.

7. Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sangrur, the petitioner is directed to be released on bail.

8. It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

May 04, 2023

Jyoti 1

Whether speaking/reasoned

Whether reportable

(DEEPAK SIBAL)

JUDGE

Yes/No

Yes/No