

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

CRM-M-8597-2023

Date of Decision:-28.07.2023

Jatinder Singh @ Raja.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. H.S. Dhindsa, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

Ms. Nisha Rana, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.102 dated 10.05.2022 under Sections 324, 341, 323, 148, 149 IPC (Section 326 IPC added later on) registered at Police Station Tanda, District Hoshiarpur.

2. The present FIR came to be registered at the instance of Sandeep Kumar who stated that he was dealing in the business of sale and purchase of used cars. On 8.5.2022 at around 6.35 PM he along with his friend Ajay Kumar Bhatti were going towards Urmur, Raja PA (petitioner), Ajay, Nanni, Joban Shubham and Satnam Singh Matta stopped them (complainant party). Ajay raised a lalkara. Raja PA (petitioner) who was standing next to him (complainant) gave him a *kirpan* blow on his forehead which struck his nose in front of the right eye. A second blow was given by Ajay with a *kirpan* which hit him on the right side of his head. A third blow was given by Naani with a *datar* which hit him on the left side of his head. Then Shubham gave him the fourth blow with his fist on his (complainant's) lips and a fifth blow was given by Joban with a baseball bat which struck his

right arm elbow. Satnam Singh @ Matta grabbed him by the arms and abused. Then Ajay gave him a *kirpan* blow which struck his wrist. Raja PA also gave him a blow with the *kirpan* on his right bicep. All the accused also gave beatings and used foul language against his friends who were trying to save him. The mother of Ajay was also raising *lalkaras* continuously. As the passer byes gathered the accused ran away from the spot and he along with his friend were admitted to the hospital.

3. The counsel for the petitioner contends that it is case of version and cross version in which the petitioner Jatinder Singh @ Raja, Sunny, Ajay Kumar, Seema Rana @ Sama Rani had been injured and a cross case bearing DDR No.34 dated 12.5.2022 under Sections 323, 324, 325 and 34 IPC was registered. Vide DDR No.17 dated 13.01.2023 the injury on the persons of Seema Rani from the side of the petitioner was found to be grievous in nature. Subsequently, on the statement of Sama Rani an offence under Section 354-A IPC was added. As the petitioner was in custody since 22.11.2022, none of the 14 prosecution witnesses had been examined so far and he had been granted bail in the one other case registered against him bearing FIR No. dated 13.6.2019 under Sections 353, 332, 186, 427, 506 and 34 IPC (later on Offences under Sections 307, 295 IPC were added vide DDR No.35 dated 29.6.2019 including the name of Nanhi) P.S. Tanda, District Hoshiarpur, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner is the main accused. The injury attracting Sections 326 IPC had been attributed to him. Therefore, the petitioner was not entitled to the grant of bail more so as he had one other case registered against him. He however concedes that the petitioner is in custody since 22.11.2022, none of the 14 prosecution witnesses had been examined so far and that it is a case of version and cross version.

5. I have heard counsel for both the parties at length.

6. Which party is the aggressor side shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 22.11.2022 and none of the 14 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation his further incarceration is not required.

7. Thus, without commenting on the merits of the case, the petitioner-**Jatinder Singh @ Raja** son of Sh. Maninder Singh is ordered to

be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 28, 2023

Vinay

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