

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-12138-2023

Date of Decision: 1.6.2023

Jaskaran Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sanjay Gupta, Advocate, for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

Mr. Arnav Sood, Advocate, for the complainant.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.145 dated 25.12.2022 registered for the offences punishable under Sections 307, 323, 324, 506, 458, 34 IPC and Section 325, 326 IPC at Police Station Chabbewal, District Hoshiarpur.

2. The allegations in nutshell are that at the time of the occurrence, petitioner-Jaskaran Singh armed with datar and Jagdeep Singh armed with *gandasa* attacked complainant-Ravi Kumar and his father Satinder Kumar and the petitioner gave datar blows with its blunt side which hit on the head and shoulder of the complainant. Jagdeep Singh gave *gandasa* blow which hit on the head of Satinder Kumar. The petitioner also attacked Satinder Kumar and caused injuries on his left arm with datar and the petitioner gave another datar blow which hit on finger of right hand of Satinder Kumar. The petitioner gave another blow of datar on the head of

Satinder Kumar and the petitioner also gave another datar blow with its reverse side on the head of Satinder Kumar and another datar blow which hit on the right shoulder of Satinder Kumar and then Jagdeep Singh gave *gandasa* blow on the head of Satinder Kumar and the petitioner gave another blow of datar which hit on the right leg of Satinder Kumar.

3. Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case at the instance of the complainant and is in custody for the last more than 5 months. He further submits that the case is also involving cross version (Annexure P-1), as per which, the opposite party caused injuries to the petitioner. It is further contended that the doctor has not given opinion that any of the injuries were found to be dangerous to life. It is further submitted that at the most, offence under Section 326 IPC is made out which is triable by the Court of Judicial Magistrate, 1st Class. It is further submitted that it will take time for the trial to conclude. So, prayer is made that the petitioner be released on bail.

4. Present petition is resisted by the State counsel as well as counsel for the complainant, both of whom, have submitted that there is no such cross version as alleged by the counsel for the petitioner. It is further submitted that at the time of the occurrence, Satinder Kumar suffered 9 injuries as detailed in MLR (Annexure P-5), out of which, injury No.4 on the left arm which was caused with sharp edged weapon by the petitioner, is found to be grievous in nature as per medical record (Annexure P-6). It is further submitted that as per the said medical record, it also appears that the concerned doctor also gave opinion that injury No.2 which was on right external auditory meatus of Satinder Kumar being dangerous to life cannot be ruled out and the said injury was also caused with sharp edged wseapon.

So, prayer is made that the present petition be dismissed.

5. I have considered the submissions made by the counsel for the parties.

6. As per prosecution version, at the time of the occurrence, the petitioner was armed with datar while his co-accused was armed with *gandasa* and they caused injuries to complainant-Ravi Kumar and Satinder Kumar. During investigation, the petitioner was arrested and is in custody for the last more than 5 months and is having no criminal history. Apparently, it appears that injury No.4 caused by the petitioner on the person of Satinder Kumar is found to be grievous in nature but is caused with blunt weapon as per MLR (Annexure P-5) and thus, is covered under Section 325 IPC which is a bailable offence. However, injury No.2 which is also found to be grievous in nature was caused with sharp weapon and is covered under Section 326 IPC. At this stage, it is not advisable to give any opinion with regard to the observation given by the concerned doctor that possibility of injury No.2 being dangerous to life cannot be ruled out. Admittedly, case is at its initial stage. So, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

June 1, 2023
Paritosh Kumar