

CRM-M-27716-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27716-2023 (O & M)

Date of decision: 02.06.2023

Jaskaran @ Munshi

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Varun Goyal, Advocate,
for the petitioner.

Ms. Ramta K 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 a case FIR No.50 dated 26.04.2022 under Sections 323, 324, 326, 307, 148, 149 and 506 IPC (Section 326 IPC added later on) registered at Police Station Satnaampura, Phagwara, Kapurthala.

2. The present FIR came to be registered at the instance of Karan Kumar who stated that he was a painter. On 17.04.2022 at about 8.15 p.m., he was present with his friends at Adde Khera Pulli near Gurudwara Jatta Chownk. At that time, Onkar @ Golu, Prince, Munshi (petitioner) Ballu, Ajay Kumar @ Kalu and 07 unknown persons with *datar*, *kirpans* came on their motorcycles. Onkar @ Golu asked about his health. In the meantime, Golu attacked him (complainant) with *tokka* on his head with an intention to kill him. Then, Munshi @ Karan (petitioner) attacked him with *dasti*

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an intention to kill him. He suffered a total of 16 injuries. One Ravinder Singh had witnessed the entire occurrence. On raising an alarm, Onkar @ Golu and Prince who were carrying a pistol stated that they would kill him. Thereafter, they all ran away from the spot. Ravinder and Rajan Kumar got him admitted in the Johal Hospital, Jalandhar. He remained unconscious for three days after which he got recorded his statement.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. Taking the allegations to be true, the injury attributed to the petitioner on the forehead of the complainant is a simple injury. In fact, there is no injury which is dangerous to life and Section 307 IPC has been invoked on account of “intention’ alone. Pursuant to his arrest, no recovery had been effected from him. The petitioner is a first-time offender, in custody since 15.07.2022 and as none of the 10 prosecution witnesses had been examined so far, he was entitled to the concession of bail as the Trial was not likely to be concluded in the near future.

4. The learned counsel for the State, on the other hand, contends that the accused had brutally assaulted the complainant-injured who suffered as many as 16 injuries. Therefore, the nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the grant of bail. She, however, concedes that the injury attributed to the petitioner is a simple one on the forehead of the injured-complainant and there is no injury which is dangerous to life.

5. I have heard the learned counsel for the parties.

6. Admittedly, the veracity of the prosecution case shall be adjudicated upon during the course of trial. The petitioner is in custody

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examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Therefore, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Jaskaran @ Munshi is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. In addition, the petitioner (or someone 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 trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

June 02, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No