

214

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 17.10.2023

(I) CRM-M-31019-2023

JAGPREET SINGH ALIAS JAGGA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

(II) CRM-M-41094-2023

HEERA SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ranjeet K. Jaswal, Advocate
for the petitioner(s) in both the cases.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. Both these petitions are taken up together for final disposal with the consent of learned counsel for the parties since both the petitions arise out of the same FIR and the prayer in both the cases is for the grant of regular bail.
2. Both these petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR

No.53 dated 17.04.2023, under Sections 307, 324, 323, 148, 149 of the IPC and Section 25 of the Arms Act, registered at Police Station Chattiwind, District Amritsar Rural, Amritsar, Punjab.

3. Learned counsel for both the petitioners has submitted that both the petitioners are in custody from 18.04.2023 and the investigation of the case has been completed and thereafter, challan has also been presented before the competent Court. He further submitted that it is a case where the allegations against both the petitioners were that they along with the other co-accused have caused injuries to the complainant and so far as Jagpreet Singh @ Jagga (petitioner in CRM-M-31019-2023) is concerned, the attribution was with regard to giving a *datar* blow on the right side of chest, right side of abdomen and left wrist and so far as Heera Singh (petitioner in CRM-M-41094-2023) is concerned, he has caused injuries on the left leg of the complainant by giving a *datar* blow. He also submitted that the allegation against one of the other co-accused, namely, Balwinder Singh @ Billu was that he had fired from a weapon but there is no firearm injury caused to anybody even as per prosecution. He further submitted that the petitioner-Jagpreet Singh @ Jagga has clean antecedents and he is not involved in any other case but petitioner-Heera Singh is involved in one more case but that case was against his own brother and the matter has already been compromised between them. He further submitted that in view of the aforesaid position when the investigation in the case has already been completed and challan stands presented, the trial of the case may take long time to conclude and therefore in view of the facts and

circumstances, both the petitioners may be considered for the grant of regular bail.

4. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab submitted that it is correct that both the petitioners are in custody from 18.04.2023 and the investigation of the case has already been completed and thereafter, challan has also been presented and the antecedents as stated by the learned counsel for the petitioners are also correct. He has however submitted that since the injuries were caused by way of a *datar* and the matter is serious in nature, the petitioners are not entitled for the grant of regular bail.

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

6. It is a case where petitioner-Jagpreet Singh @ Jagga is stated to be not involved in any other case, whereas petitioner-Heera Singh is stated to be involved in one more case against his brother, in which according to the learned counsel for the petitioner compromise has been effected. Investigation of the present case has already been completed and now as per the learned counsel for the parties, no further recovery is to be effected from both the petitioners. Furthermore, it is not the case of the learned State counsel that in case both the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.

7. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to both the petitioners.

8. Consequently, both the petitions are allowed. The petitioners shall be released on regular bail, if not required in any other case, subject to

furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petitions only.

17.10.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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