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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-31689-2023**  
**Date of decision : 13.10.2023**

**JATINDER SINGH**

....Petitioner

Versus

**STATE OF PUNJAB**

....Respondent

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Sarju Puri, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. C.L. Verma, Advocate for the complainant.

**PANKAJ JAIN, J. (ORAL)**

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.29 dated 12<sup>th</sup> of April, 2023 registered for the offences punishable under Sections 307, 323, 427 of IPC at Police Station Sadar Banga, District SBS Nagar.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. FIR was registered on the statement made by Charanjit Singh son of Satnam Singh alleging as under :

“Statement of Charanjit Singh, son of Satnam Singh, resident of Bharoli, P.S. Behram, Phone No. 98156-19919. Stated that I am resident of aforesaid address and engaged in agriculture. On 10.04.2023, I alongwith Navdeep Singh son of Kuldeep Singh, Gurmukh Singh son of Amlokh Singh, residents of Bharoli and

Ram Kishan son of Lachhman Ram, resident of Sandhwan, P.S. Behram, were going from Banga to our village in our Scorpio Vehicle (without any registration number) at about 11 AM and when we reached a little ahead of Bus Stand Jandiala, a Thar Vehicle without registration no. was parked on the road from the Kataria side whose driver was identified by me as Jatinder Singh son of Surinder Singh resident of Cheta, P.S. Behram, due to which I reversed my vehicle and parked my Scorpio vehicle in front of his vehicle. We kept on talking to each other for some time. Meanwhile, when we all four persons were standing behind our Scorpio vehicle, Jatinder Singh struck his Thar Vehicle with an intention to kill us, due to which I fell towards the road side and Ram Krishan, who was standing on the side, fell on the kacha portion of the road and Navdeep Singh came in between due to the striking of the vehicle and was severely injured on his shoulder and right leg. Then again, Jatinder Singh ran over his Thar Vehicle on Navdeep Singh who was lying fallen on the ground with an intention to kill him which ran over his thigh and Gurmukh Singh fell on the kacha portion due to which he sustained injury on his right arm. I alongwith Ram Krishan raised alarm whereupon the above said person ran away in his vehicle and both these persons were got admitted for treatment in GNMH Hospital where they are undergoing treatment. The reason for the grudge is that Jatinder Singh had taken a sum of Rs. 4,75,000/- from a person, namely, Jatinder Singh son of Gurpal Singh resident of Mahal, P.S. Goraya, for sending him to America, but despite lapse of about four months, he neither sent Jatinder Singh abroad nor did he return the money and Jatinder Singh was the friend of injured Navdeep Singh. Navdeep Singh had asked Jatinder Singh about return of the money, due to which Jatinder Singh son of Surinder Singh resident of Cheta lost his temper and has struck his un-numbered Thar Vehicle with an intention to kill us. Due to this reason Navdeep Singh and Gurmukh Singh resident of Bharoli suffered serious injuries, whereas, I also sustained minor injuries. This incident has taken

place due to striking of the vehicle by its driver with an intention to kill. Action be taken against the driver of Thar Vehicle. Today, I alongwith Ram Krishan son of Lachhman Ram resident of Sandhwan was going give information, whereupon you have met us. Action be taken. Statement has been read over and is correct. Sd/- Charanjit Singh, sd/- witness Ram Krishan, sd/- attested Subhash Chander, ASI, P.S. Sadar Banga, dated 12.04.2023.

Police Proceedings: Today, I, ASI, alongwith ASI-Ravinder Singh 337/SBS Nagar, CT Sukhwinder Singh 831/SBS Nagar, PHG Harmesh Lal 27921, in private vehicles, were present at Bus stand Majari in connection with patrolling and checking of suspicious elements, whereupon Charanjit Singh son of Satnam Singh resident of Bharoli, made his statement before me-ASI, which was read over and explained to him and the same was signed by him in English in token of its correctness and was attested by Ram Krishan and by me. On 10.04.2023, the doctor had declared both injured Navdeep Singh and Gurmukh Singh residents of Bharoli as - unfit to make a statement. In MLR No. 239/2023 pertaining to Navdeep Singh, the doctor has mentioned a total of two blunt injuries and the MLR of other injured Gurmukh Singh was not received from GNMH Hospital. From the statement and the result of MLR, prima facie case under Section 307, 323, 427 IPC is made out, whereupon the present statement is sent through Lady Constable Lakhwinder Kaur 592/SBSN to the Police Station for registration of the case. FIR Number be informed after registration of the case. Special Reports be prepared and submitted before Senior Officers and Illaqa Magistrate. Control room be informed. xxx”

4. Counsel for the petitioner submits that there is delay of 40 hours in registration of FIR which has remained unexplained. Not only challan has been presented rather the trial has proceeded considerably and during the course of trial 3 out of 4 victims appeared but have not supported

the case of the prosecution. Whereas the remaining 4<sup>th</sup> one has migrated to abroad and has not forthcoming to depose. The petitioner has already faced incarceration for more than 6 months and 2 days.

5. Counsel for the complainant as well as State Counsel are not in position to dispute the aforesaid factual assertions made on behalf of the petitioner which are based on the records of the case.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 13, 2023  
Dpr

(Pankaj Jain)  
Judge

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