

222

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M No.33397 of 2023 (O&M)****Date of Decision: 19.07.2023**

Jatinder Singh @ Bau

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. P.B.S. Goraya, Advocate for the complainant.

JASGURPREET SINGH PURI, J (Oral)

1. The present is first petition filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in FIR No.14 dated 16.04.2023, under Sections 307, 326, 324, 365, 379-B, 148, 149, IPC, 1860, registered at Police Station Mattewal, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner is in custody for about 03 months and now the investigation is completed and challan has been presented before the Court concerned. He further submitted that the dispute has arisen because of a family dispute between the parties and infact the complainant namely Barjinder Singh was never got medically examined from any Doctor and so far as his father namely Jagjit Singh is concerned, as per the medical report (Annexure P-5), there was an injury on the left forearm, right wrist injury and a shoulder injury and the said injuries were neither grievous nor dangerous to

life and therefore no case under Section 307 is made out. He further submits that both son and father are Non Resident Indians (NRIs) and they have left India and therefore, there can be no apprehension of any threat to the witnesses. Apart from the above facts and circumstances, investigation of the case has been completed, therefore he may be considered for grant of regular bail. He further submits that the petitioner is involved in two more cases but he has been acquitted in both the cases.

3. On the other hand, learned State counsel has stated that it is correct that the petitioner is in custody for about 03 months. He further submitted that it is also correct that after completing of the investigation of the case, challan has been presented. He, has however opposed the grant of bail to the petitioner on the ground that the petitioner had earlier been involved in two other cases and therefore, he is not entitled for grant of regular bail.

4. Mr. P.B.S. Goraya, Advocate appearing on behalf of the complainant has opposed the grant of regular bail to the petitioner on the ground that the complainant and his father being NRIs had come to India but they were mercilessly beaten up by the petitioner and considering the seriousness and gravity of the offence, the petitioner is not entitled for grant of regular bail. So far as the present position of the complainant and his father is concerned, he has submitted that at present they are residing in America.

5. I have heard learned counsel for the parties.

6. It is a case where the petitioner has already faced incarceration for about 03 months. As per learned counsel for the parties, the complainant and his father are not present in India and they have left for America. The investigation of the case is complete. As per learned counsel for the parties, one of the complainants was never got examined medically.

7. In view of the abovesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

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

9. Since the main petition has been allowed, all the pending application(s) also stand(s) disposed of.

19th July, 2023

Sonia Puri

(JASGUPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No