

CRM-M-33452-2023 (O&M)

232 2023:PHHC:090984
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33452-2023 (O&M)
Date of decision: July 19, 2023

Jaswant Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Nitin Narula, Advocate
and Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. Mohit Thakur, A.A.G., Punjab.

ARUN MONGA, J. (ORAL)

Petitioner seeks bail in a case bearing FIR No.48 dated 26.03.2023, registered under Sections 323, 324, 506 read with Section 34 IPC (Section 326 IPC added later on) at Police Station Division-A, District Police Commissionerate, Amritsar.

2. Per FIR, petitioner worked as a driver with complainant Simardeep Singh, a transporter. On 25th March 2023, the petitioner and his son, Gursahib Singh, were sitting inside the complainant's parked vehicle near the complainant's shop. The petitioner was consuming alcohol. Seeing him doing so, complainant got upset and informed the petitioner that he was fired from his job. Petitioner then began demanding money from him and resorted to verbal abuse and physical aggression. Subsequently, the petitioner pulled out a knife from his pocket, while his son, Gursahib Singh, held the complainant's right arm. The petitioner then struck the complainant's right arm with the knife. Complainant raised an alarm, prompting both the petitioner and his son to flee from the scene. The petitioner was later apprehended and arrested on 1st April 2023.

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3. Learned counsel for petitioner contends that petitioner has been falsely implicated in the case. Merely because he demanded his wages which were overdue, the complainant has created a false narrative. He further submits that even the alleged injury attributed to petitioner is simple and on non-vital part. Further, his antecedents are clean and he is not involved in any other case. He further submits that petitioner has added responsibility of his two children and wife, who are living in penury in his absence.

4. On the other hand, learned State counsel on instructions from ASI Sukhchain Singh opposes the bail petition. He submits that doctor declared the injury received by the complainant as grievous in nature and therefore, later on, Section 326 IPC was added. On Court query, he admits that challan has been presented but charges are yet to be framed.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. It transpires that investigation *qua* petitioner is complete and petitioner is not required for custodial interrogation and he is being kept in judicial custody merely on unfounded apprehension of tampering with the evidence and/or influencing the witnesses. Petitioner has clean antecedents. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for the past more than 3½ months in preventive custody now, being behind bars since 01.04.2023. Trial is unlikely to conclude in near future as there are 16 prosecution witnesses to be examined. Petitioner is stated to be 50-year old family person and there is no likelihood of his fleeing.

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8. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

9. Accordingly, petitioner is ordered to be released on bail, if not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of Ld. trial Court, where his case is being tried and in case he/she is not available, before learned Duty Magistrate, as the case may be.

10. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

11. It is made clear that any observations and/or submissions noted herein above shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 19, 2023
ashish

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No