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

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Date of decision: 29.09.2023

Jagroop Singh @ Dilbagh

....Petitioner

V/s

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG Punjab.

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**ARUN MONGA, J. (Oral)**

After being declined bail by the trial Court, petitioner before this Court seeks his release as undertrial in a case bearing FIR No.62 dated 15.02.2023, registered under Sections 120-B, 307, 323, 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'IPC') at Police Station, Goindwal Sahib, District Tarn Taran.

2. Per FIR, on 15.02.2023, complainant Gurbaj Singh alleged that his son Daljit Singh and Prabhjot Kaur married to Gurpal Singh were in a live in relationship. A complaint in this regard had also been submitted by Gurpal Singh i.e., husband of Prabhjot Kaur at Police Station Goindwal Sahib. Thereafter, a settlement was arrived at between Prabhjot Kaur and her husband Gurpal Singh that they would part ways and would execute an affidavit to this effect at Court complex, Khadur Sahib. On 11.02.2023, when complainant, his son and Prabhjot Kaur reached at Court complex, petitioner along with his mother and four other assailants, who were armed with weapons, physically attacked them. Petitioner gave *Kirpan* blow on the head of Prabhjot Kaur. Remaining accused also inflicted injuries with their respective weapons to complainant, his son and Prabhjot Kaur. With the intervention of people at the spot, they were rescued and taken to Civil

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Hospital, Khadur Sahib. As the condition of Prabhjot Kaur got precarious, she was referred to Guru Nank Dev Hospital, Amritsar. An FIR was registered. During the course of investigation, petitioner was arrested on 19.02.2023 and is in custody ever since.

3. At the outset, learned counsel for the petitioner submits that co-accused of petitioner, namely Kulwant Kaur, Gurmit Singh @ Sheera and Gurjit Kaur have been granted the concession of bail by learned Court below.

3.1 On merits, learned counsel for the petitioner contends that there is delay of 04 days in lodging the FIR and no plausible explanation has come forth regarding the same. He submits that there is not even an iota of evidence to connect the petitioner with the alleged crime. Further submits that petitioner is a real brother of injured Prabhjot Kaur and is in custody since 19.02.2023.

3.2 Further submits that co-accused of the petitioner, who are alleged to have inflicted injuries on the person of injured, have been declared innocent during investigation.

3.3 Learned counsel further urges that nothing is to be recovered from the petitioner and, thus, no useful purpose would be served by keeping him behind bars. Investigation is over. Petitioner is not involved in any other case.

4. On the other hand, learned State counsel opposes the petition and submits that petitioner has committed a serious offence and has played an active role in the incident. If enlarged on bail, there is every likelihood that petitioner might tamper with evidence or influence/ intimidate the witnesses. On a Court query, he does not dispute that other co-accused have been granted bail by the Court below and that petitioner is not involved in any other case.

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

6. On a Court query, learned State counsel, on instructions from ASI Baljinder Singh, submits that challan was presented on 19.05.2023. Investigation *qua* petitioner is complete, he is thus not required for custodial interrogation. Allegations against petitioner are a matter of trial at this stage. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Out of total 20 witnesses, none has been examined till date. Trial is proceeding only at a snail's pace. Whereas, petitioner has already been languishing in jail for the past more than 07 months in preventive custody, being behind bars since 19.02.2023.

7. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses.

8. It is stated that petitioner is 22-year old unmarried person having added responsibilities of his old aged parents, who all are living in sheer penury in his absence. He is on the cross-roads of his career and his continued incarceration may jeopardize his career prospects and he may also rendered jobless forever. Having a fixed abode and clean antecedents, it is unlikely that they pose any flight risk and/or will flee from trial proceedings.

9. Co-accused of the petitioners have been granted concession of bail by this Court and learned Court below.

10. 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.

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

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12. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.

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

(ARUN MONGA)  
JUDGE

September 29, 2023  
*Ajay*

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