

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-51208-2023

Date of Decision:-13.10.2023

Mohan Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Kamal Narula, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.199 dated 12.09.2021 under Sections 325, 323, 148, 149 IPC (Section 307 IPC added later on) registered at Police Station City Jalalbad, District Fazilka.

2. The present FIR came to be registered at the instance of Manjit Kaur wife of Mohan Singh (petitioner) son of Ram Singh (since granted bail vide order dated 22.09.2023 in CRM-M-47167-2023) who stated that she had two children. On 2.9.2021 while she was preparing the meals, her mother-in-law Puro Bai started teasing and taunting her. On her (complainant's) opposition her brother-in-law Raj Singh raised a *lalkara* and threatened her stating that she was irreverent. Meanwhile her mother-in-law and husband caught her from her arms and gave slaps to her. Her father-in-law gave her a blow with a *dasta* on the right side of her head. Her sister-in-law caught hold of her and they all gave her kick blows. Her husband took a

wooden stick and gave a blow striking her left eye and forehead. Thereafter her father-in-law gave her a blow with a *dasta* which struck her left arm. She (complainant) fell down, her mother-in-law gave her a leg blow. On her weeping, her (complainant's) parents reached the spot. Thereafter she was taken to the hospital for treatment. The cause of the occurrence was that her husband was in the habit of taking intoxicating substances and would doubt her character because of which on the date of the present occurrence she was assaulted.

3. The Counsel for the petitioner contends that the accused were initially granted bail on 16.06.2022 as the offences were bailable. Thereafter vide DDR No.41 dated 27.06.2023 the injury on the head of the complainant attributed to Mohan Singh (petitioner) was declared as dangerous to life and the offence under Section 307 IPC was added. The petitioner was taken into custody on the same day and is in custody since then. As the petitioner was a first time offender, the investigation stood completed and none of the 20 prosecution witnesses have been examined so far, he was entitled to the concession of bail, more so when his co-accused Ram Singh who had been attributed a grievous injury had been granted the similar concession.

4. The Counsel for the State on the other hand contends that the petitioner is the main accused having caused the injury attracting Section 307 IPC on the person of the complainant. It had wrongly been recorded that Ram Singh co-accused had been attributed the injury attracting Section 307 IPC. Therefore he was not entitled to the concession of bail. She however concedes that the petitioner is a first time offender, in custody since 27.06.2023, none of the 20 prosecution witnesses have been examined so far and that the co-accused Ram Singh had been granted the concession of bail.

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

6. The veracity of the prosecution against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly the petitioner is in custody since 27.06.2023, none of the 20 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, his further incarceration is not required moreso when his co-accused Ram Singh had already been granted the concession of bail.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Mohan Singh** son of Sh. Ram Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.
9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 13, 2023
Vinay

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