

Neutral Citation No.2023:PHHC:165018

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-62979 of 2023 (O&M)

Date of decision : 21.12.2023

...

Jobanpreet Singh and another

.....Petitioners

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Saurabh Kaushik, Advocate for the petitioners.

Ms. Mohit Kapoor, Additional Advocate General,
Punjab.

...

MANJARI NEHRU KAUL, J. (ORAL)

At the outset, on the oral request of learned counsel for the petitioners, Section 326 of the Indian Penal Code, 1860 is added in the head note and prayer clause of the petition. Registry is directed to make necessary correction.

2. The petitioners are seeking the concession of regular bail under Section 439 Cr.P.C., in case DDR No.23 dated 18.10.2023 (cross case) registered in FIR No. 189 dated 17.10.2023, under Sections 307, 323, 148, 149, 379 of the Indian Penal Code, 1860, (Section 326 IPC added on the oral request) and Section 25/27 of the

Arms Act, registered at Police Station Sadar, Samana.

3. On the last date of hearing, the State had been directed to get specific instructions as to the nature of injuries attributed to the petitioners and also as to whether the complainant party, against whom the FIR has been registered under Section 307 IPC, had been extended the concession of bail. Learned State counsel, on instructions, has not disputed that the petitioners have been attributed simple injuries on the person of the complainant. Learned State counsel, on further instructions, has informed the Court that the accused, who had fired at the petitioners, had not been granted bail as had been wrongly submitted by counsel for the petitioners on the last date of hearing.

4. Learned counsel for the petitioners has reiterated the submissions made on the last date of hearing that it was a case of version and cross version, wherein admittedly, both the parties had received injuries at the hands of each other. Furthermore, petitioner's side had received a firearm injury at the hands of the complainant party. A prayer, has therefore, been made by learned counsel for extending the concession of bail to the petitioners.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the facts and circumstances, as enumerated hereinabove, keeping in view the nature of injuries inflicted upon the complainant party, this Court deems it fit to extend the concession of bail to the petitioners. Accordingly, the instant petition is allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that

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

21.12.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No