

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-2857-2024

Date of decision: 31.01.2024

Jagga Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Lakhwinder S. Sidhu, Advocate
for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.144 dated 07.09.2023 under Sections 307, 458, 323, 148, 149 of the IPC registered at Police Station Boha, District Mansa.

2. Learned counsel for the petitioner submits that the investigation in the case in hand is complete and now the case is fixed for framing of charges. Learned counsel while drawing the attention of this Court to the MLR, which has been annexed as Annexure P-4, has further submitted that he has been falsely implicated in the case in hand, however, even assuming for the sake of arguments, though not conceded, that the petitioner in fact participated in the occurrence in question, the injury allegedly inflicted by the petitioner was opined to be simple blunt injury with a dah and hence, offence under Section 307 of the IPC was not even made out against him moreso, when there was no medical opinion declaring any injury to be dangerous to life.

Learned counsel further submits that the falsity of the prosecution version is evident from the fact that Karamjit Singh who had allegedly accompanied the petitioner at the time of alleged occurrence, had been declared innocent by the investigating agency.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Satpal Singh, has submitted that the petitioner was named in the FIR and he along with co-accused had trespassed into the house of the complainant and thereafter inflicted an injury beneath the chin of the complainant with a dah.

4. On a pointed query put to the learned State counsel as to whether the complainant had sustained any other injury, he on instructions, has replied in the negative. It has also been submitted by the learned State counsel that the injured is none other than the brother of the complainant.

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

6. Investigation in the case in hand is complete as challan stands presented. Concededly, the injured received one single injury on his person which was opined to be a blunt and simple injury. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as he has now been in custody since 07.09.2023 coupled with the fact that as many as 22 witnesses had been cited by the prosecution. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner

be admitted to bail on his furnishing bail/surety bonds 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.

31.01.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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