

225

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-683-2024 (O&M)
Date of decision: 12.01.2024

Jasvir Singh @ Kaka Lambar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. A.P. Nahar, Advocate
for the petitioners.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking concession of bail under Section 439 Cr.P.C. in case FIR No.03 dated 14.01.2019 under Sections 302, 323, 325, 34 of the Indian Penal Code, 1860 registered at Police Station Sadar Nakodar, District Jalandhar.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner, who has now been in custody for four years, having been arrested on 14.01.2019, is a 62 years old man and has been falsely implicated in the case in hand for having assaulted the deceased with hockey stick while his sons i.e. the co-accused inflicted injuries with swords, which they were carrying at the time of the alleged occurrence. Learned counsel has submitted that a perusal of the FIR, which has been annexed as Annexure P-1, reveals that no specific injury has been attributed to the petitioner

except for vague allegations that he had given hockey stick blows on various parts of the body of the deceased. It has also been submitted by the counsel that both the co-accused Arjun Singh and Harshvir Singh @ Gagan i.e. the sons of the petitioner, who were attributed injuries with sword on the person of the deceased, have since been enlarged on bail by this Court vide order dated 03.11.2023. Learned counsel has furthermore submitted that since all the material witnesses, including the complainant, stand examined, further incarceration of the petitioner would serve no useful purpose as there would be no possibility of the evidence being tampered with or the material witnesses being influenced to depose in favour of the accused.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that all the material witnesses, including the complainant has been examined. It has also not been disputed that the co-accused, who have been attributed similar roles in the occurrence in question have already been enlarged on bail by this Court. On a pointed query put to the learned State counsel qua the criminal antecedents of the petitioner, he has informed the Court that the petitioner is not involved in any other criminal case. Learned State counsel has, however, submitted that it is a case of eye witness account, wherein the petitioner along with his sons had launched unprovoked attack on the deceased which proved to be fatal for him.

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

5. The petitioner has been in custody for a year having been arrested on 14.01.2019. Even though the charges were framed way back on 31.05.2019, however, only ten prosecution witnesses out of the 27 cited

have been examined so far, hence, there is no likelihood of the trial concluding in the near future. All the material witnesses, as per the State counsel stand examined.

6. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as trial would take a considerable time to conclude, the instant petition is allowed. The petitioner be 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.

12.01.2024

Satyawan

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No