

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

CRM-1714-2024 in/and
CRR-68-2024

Date of decision: 02.05.2024

Jaspreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-1714-2024

For the reasons mentioned in the application, the same is
allowed and delay of 36 days in filing the revision petition is condoned.

CRR-68-2024

1. The petitioner is seeking setting aside of the order dated
07.07.2023 passed by the learned Juvenile Justice Board, Kapurthala
and order 06.09.2023 passed by learned Additional Sessions Judge,
Kapurthala, whereby he was declined the benefit of bail in case FIR
No.76 dated 07.10.2022 under Sections 302, 148, 149, 201 of the IPC
(Section 201 of the IPC added lateron) registered at Police Station
Begowal, District Kapurthala.

2. Status report by way of affidavit of Surinderpal, PPS,
Deputy Superintendent of Police, Sub-Division Bholath Kapurthala,
along with report regarding assessment of child in conflict with law,
has been filed in the Court today which is taken on record subject to all

just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that a false and fabricated version having been brought forth against the petitioner is evident from the fact that the occurrence in question allegedly took place on 03.10.2022 when the deceased was assaulted by 04 boys. Soon after the occurrence in question, the deceased was removed to the hospital for his treatment. While in hospital even though the deceased remained fit there was no statement made by him attributing any specific role to the petitioner much less of having inflicted blows with a datar on his person. However, strangely it was his sister who lodged the FIR in question after 04 days of the occurrence in question even though she was not a witness to the occurrence. In support, learned counsel has drawn the attention of this Court to Annexure P-3 which is a statement made by the deceased on 04.10.2022 i.e. the following day of the alleged occurrence. It has been further submitted that thereafter the deceased was discharged from the hospital and he returned to his house. 04 days, thereafter, he died. Learned counsel submits that there was no medical evidence on record that the injuries allegedly inflicted by the accused upon the deceased had caused his death. Learned counsel has submitted that while deposing during the trial of co-accused (juvenile), the doctor, who had treated the deceased, had also categorically deposed that the cause of death of the deceased was stress induced myocardial infarction. Learned counsel has also submitted that after the petitioner was arrested on 08.10.2022, challan was presented on 03.01.2023, however, till date charges had not been framed. Learned

counsel submits that thus, there is no likelihood of the trial concluding in the near future.

4. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, on instructions from ASI Baljinder S. Ghotra, has not disputed the status/stage of the trial, however, he, on instructions has submitted that since 04 out of the 06 accused are still at large it has resulted in the delay in framing of charges. Learned State counsel on further instructions has not disputed that the FIR in question was lodged at the instance of the sister of the deceased who admittedly was not an eye witness to the occurrence in question. It has also not been disputed that while getting his statement recorded on the following day of the occurrence in question, the deceased had not attributed any specific injury to the petitioner, much less with a datar. Learned State counsel has, however, reiterated the case of the prosecution that the petitioner was an active participant in the occurrence in question, which emanated on account of the deceased asking the accused to stop creating a nuisance in front of his house with their motorcycles.

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

6. The petitioner has been in custody since 08.10.2022. The petitioner is not stated to be involved in any other criminal case. The investigation in the case at hand is complete. Hence, in the circumstances, keeping in view the trial has come to a virtual stand still, no useful purpose would be served by keeping the petitioner incarcerated. This Court, therefore, deems it appropriate to extend the

CRM-1714-2024 in/and
CRR-68-2024

benefit of bail to the petitioner.

7. Accordingly, the instant revision petition is allowed and the petitioner be admitted to bail subject to the satisfaction of Principal Magistrate, Juvenile Justice Board, Kapurthala.

8. 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.

9. The State is, however, granted liberty to approach this Court for cancellation of bail in case the petitioner is subsequently found misusing the concession of bail granted to him or being involved in some other criminal case.

02.05.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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