

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-10429-2024

Decided On: 05.03.2024

JASWANT SINGH

.....PETITIONER(s)

Versus

STATE OF PUNJAB

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

1. The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioners in case FIR No.35 dated 05.05.2022 under Sections 302, 326, 325, 324, 323, 201, 148, 149 IPC registered at Police Station Qadian, District Batala.
2. Learned counsel for the petitioner *inter alia* contends that petitioner has been in custody since, 19.05.2022 for being part of an unlawful assembly, which allegedly attacked the complainant party; in the occurrence in question, one person namely Joga Singh lost his life and 04 others were injured. Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR has submitted that the petitioner was allegedly armed with a spade with which he inflicted injuries on the legs of the deceased, however, as per the postmortem report, the alleged injuries were just abrasions and could not have possibly been caused with a spade. It has been further submitted

that none of the fatal injuries had been attributed to the petitioner but had been attributed to co-accused Kulwant Singh and Gurjant Singh, who were still in custody. It has also submitted that all the material witnesses including the injured witnesses stand examined, however, 17 prosecution witnesses still remain to be examined. In the circumstances, there is no possibility of the trial concluding in the near future and there can also be no apprehension that the petitioner on being enlarged on bail would in any manner influence or intimidate the prosecution witnesses. It has also been submitted that the petitioner has clean antecedents and is not involved in any other criminal case. Furthermore, identically placed co-accused namely Dharam Kaur, Gurmukh Singh and Gurdial Singh have already been enlarged on bail.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the learned counsel for the petitioner has submitted that it was a premeditated attack wherein all the accused inflicted various injuries on the complainant party. However, learned State counsel, on instructions from ASI Sukhdev Singh, has not disputed that the fatal injuries on the person of the deceased Joga Singh had not been attributed to the petitioner but to co-accused Kulwant Singh and Gurjant Singh. He has submitted that the petitioner inflicted injuries on other injured witnesses, which injuries, however, were grievous in nature.

4. On a pointed query put to the learned State counsel, on instructions, he has not disputed that all the material witnesses in the case in hand stand examined and the next date fixed before the

trial Court is 13.05.2024, when some of the remaining 17 prosecution witnesses are likely to be examined. Learned State counsel, on instructions, has not been able to controvert that the petitioner has clean antecedents and is not involved in any other criminal case.

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

6. The petitioner has been in custody since 19.05.2022; he has not been attributed any fatal injury on the person of the deceased. All the material witnesses including the stamped witnesses already stand examined. However, the trial is unlikely to conclude in the near future.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. 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.

05.03.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No