



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214/2

CRM-M-16621-2024

Date of decision: August 20th, 2024

Jatinder Kumar @ Chinda

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.53 dated 28.04.2021 under Sections 307, 458, 323, 324, 326, 506, 148, 149, 201 of the IPC and Section 25 of the Arms Act registered at Police Station Nurpur Bedi, District Rupnagar.

2. Learned counsel for the petitioner contends that although the petitioner has been named in the FIR in question, which has been annexed as Annexure P-1, however, the petitioner has been attributed a simple injury on the right shoulder of the complainant. Learned counsel has further submitted that the petitioner has now been in custody since 03.05.2023, challan stands presented and even charges framed, however, as on date, only one witness stands examined and three others given up out of the total 19 cited by the prosecution. Hence, the possibility of the trial concluding in the near future does not seem probable.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the allegations levelled in the FIR, which stands reproduced hereinunder:-

"statement of Maninder Singh alias Manni S/o Ram Singh R/o Village Basali Police Station Nurpur Bedi, District Rupnagar, Mob.74007-71947 stated that I am resident of aforementioned address and working as driver. On 27.04.2021 I came to my house after taking meal I was walking inside my house then at about 830 PM some motorcycles came from the main road and stopped inside my Courtyard and the riders of motorcycles were having Gandasa and Sword and after coming down from the motorcycle Jatinder R/o Mankoli raised lalkara and gave gandasa blow which hit on my right shoulder. Then Binda @ Rab R/o Balawal who was holding sword gave blow which hit on the left Bicep. Due to sudden attack I get afraid then Raja Rio Basali raised Lalkara that he should not escape then with intention to kill fired Pistol towards me which hit above the right elbow on the bicep and pierced through the skin and I fell down bleeding and raised noise marta and hearing my noise one employee of liquor vend of Basali namely Pardeep Singh Rio Dubeta who after taking meal walking on the road came to save me then Pinnu R/o Kangar who was having dark gave blow which hit on the head of Pardeep. Dipi R/o Todewal who was having sword gave blow to Pardeep which hit on the left knee and he fell down. While lying down the aforementioned and other three/ four unknown persons gave injuries to us with intention to kill. We raised noise to save us. on hearing our noise my brother Jaswinder Singh came running down and on seeing these attackers and in order to save us raised noise and on hearing his noise and on hearing the noise in the village aforementioned persons along with their weapons ran away from the spot by giving threats to kill on their motorcycles. Then by brother Jaswinder Singh get admitted me and Pardeep Singh in CHC Singhpur, where treatment is going. The cause of enmity is that due old grudge Raja or Basali is jealous of me and giving threats to kill. Necessary legal action be taken against aforementioned persons for giving beatings to me and Pardeep Singh."

4. Learned State counsel, on instructions from ASI Pardeep Sharma, has submitted that no doubt, the petitioner has been attributed only a simple injury on the shoulder of the complainant, however, he was armed with a *gandasa* and was also part of the unlawful assembly, which launched an unprovoked attack on the complainant party. Learned State counsel has also submitted that the

petitioner is a habitual offender as is evident from the custody certificate, which has been placed on record today.

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

6. The petitioner, as not disputed, has been attributed only a simple injury on the person of the complainant in the present case. The trial would take considerable time to conclude as 15 witnesses still remain to be examined.

7. In the facts and circumstances as enumerated hereinabove, especially the role attributed to the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, 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.

9. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

August 20th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No