

CRM-M-16741-2024

2024:PHHC:048941
-1-

(242)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16741-2024
Date of Decision: 10.04.2024

JODHA SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. C.S. Bahia, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.63 dated 03.08.2023 registered under Sections 307, 324, 326, 382, 353, 148, 149 IPC at Police Station Nandgarh District Bathinda.

2. The present FIR came to be registered at the instance of Head Constable Kikkar Singh son of Bakhtawar Singh and the same reads as under:-

“Contents: "Contents- Copy of statement HC Kikkar Singh No.468/MANSA S/o Bakhtawar Singh R/o Quarter No.341, Laal Singh Basti Bathinda aged about 55 years Mobile No. 94171-22003 stated that I am a resident of above said address and am appointed as HC in Punjab Police and appointed in a reserve formed by respected ADGP Bathinda, and does the temporary duty in excise department in circle Ghudda. We keep on patrolling on the private vehicles of the

liquor contractors on the liquor vends lying the area of circle Ghudda. Today I along with ASI Jatinder Singh No.2297/BTH along with the private officials of the liquor contractors Jaspal Singh @ Raju Singh, Satwinder Singh @ Googa and Gurdeep Singh @ Jojo on a private vehicle of liquor contractors were going to village Nandgarh from Ghudda office while patrolling. When our vehicle reached about 2 kilometers ahead of village Ghudda then one car make swift colored white on which no registration number plate was affixed was there on the road near Kala Mata temple, one motorcycle rider was beating Amazon parcel person, who upon seeing our vehicle 5 young persons out of them 2 were wearing turbans and 3 were cropped hair young persons immediately fled away from the spot on the car. The motorcycle rider Sukhvir Singh s/o Ranjit Singh R/o Naruana told that above said car young persons have snatched my purse by giving me beatings in which there was about 3 / 4 thousand rupees. Upon which we followed the above said young persons in the car on the liquor contractor vehicle. While following when we reached on the link road village Dhunike about 2 kilometers ahead of village Kaaljharani then above said car riding young persons immediately stopped their car in between the road for whom the efforts were made by us to apprehend them then above said car riding young persons attacked on us with the deadly weapons immediately by getting off from the car and one young person who was wearing turban gave the direct blow of kirpan in his hand on my head with the intention of killing me. I kept my right arm before for a saving myself, which kirpan blow got on the palm of my right hand. Then above said all young persons fled away from the spot along with their weapons by getting on their car make swift without any registration number plate. About them we got to

know that above said car riding young persons are named as Jodha Singh, Agayveer Singh sons of Naib Singh, Bughi Singh s/o unknown R/o Bhucho Kalan, Harjinder Singh S/o Boora Singh and Kuljit Singh s/o Uttam Singh residents of Bhucho khurd Distt. Bathinda who had fled away by snatching money from the motorcycle rider to whom we had tried to apprehend, who had injured me with the intention of killing me and obstructed in my duty. The legal action should be taken against the above said young persons. The statement has been got recorded to you, have read and is correct. LTI/- above said HC Kikkar Singh, Attested Sd/- Jaswinder Singh ASI 829/BTH PS Nandgarh Dated 02.08.2023.”

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. There was only one injury on the right hand of H.C. Kikkar Singh which has been attributed to Agayveer. As per the opinion of the doctor, the injury was grievous in nature thereby attracting Section 326 IPC. Section 307 IPC has been added by the Investigating Agency to take revenge. So far as the petitioner is concerned, only one iron Dah had been recovered from him which had not been used. As the petitioner was in custody since 03.08.2023, none of the 19 prosecution witnesses examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail moreso when his co-accused Kuljit Singh and Harjinder @ Bhundi had been granted bail.

4. The learned counsel for the State, on the other hand, contends that the nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the grant of bail. Pursuant to the arrest of the

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petitioner, an iron Dah had been recovered from his possession. He, however, concedes that the petitioner was in custody since 03.08.2023 that none of the 19 of the prosecution witnesses had been examined so far and that two co-accused had been granted bail.

5. I have heard the learned counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 03.08.2023 and none of the 19 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jodha Singh son of Naib Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

10.04.2024

JITESH

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