



216

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

CRM-M-17036-2024

Date of decision : 15.10.2024

Jiwan Lal @ Jiwan Dhodi

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manbir Singh Basra, Advocate and
Mr. Anupinder Brar, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner under Section 439 Cr.P.C. praying for grant of regular bail in case FIR No.157 dated 21.11.2023, under Sections 307, 452, 323, 506, 427, 148 & 149 of IPC and Section 25 of Arms Act (Sections 54 and 59 of Arms Act, 1959 added later on), registered at Police Station City Dhuri, District Sangrur.

2. Adumbrated facts of the case are that the present case was registered on the statement of complainant, namely, Iqbal, wherein he alleged that he had a wrestling arena near Luxmi Bagh, Dhuri, where he used to train wrestlers. He has a residential house in wrestling arena in which he was residing along with his family. On 20.11.2023, when he along with his family members was sitting in his residential house, at about 4:30 pm, present petitioner, namely, Jiwan Lal @ Jiwan Dhodhi armed with Daamg along with co-accused, entered in his wrestling arena.

Jagga and Nandu fired shots towards the complainant with the intention to kill him and when complainant made himself lie on the ground, shots hit



on his both the legs. Gobind Singh gave sword blow on right side of complainant's head above the ear. Amin Khan gave pipe blow on complainant's elbow. Jiwan Dodhi gave stick blow on complainant's arm. Bhim Jakhla, Shaukat Ali, Teji, Satti and 8-9 unknown persons who were armed with rods/sticks gave many injuries to the complainant. Gobind Singh gave sword blow on the thumb of complainant's left hand. When complainant's brother Happy tried to save the complainant, accused gave injuries to him also. Thereafter, all the accused fled from the spot along with their respective weapons. All the persons gave injuries to complainant at the instance of Pardeep Dhaula who met complainant in Dhuri Court and told that complainant got transferred Pardeep Dhaula and he would get his legs broken. Complainant's daughter-in-law got him admitted in Civil Hospital, Dhuri from where he was referred to Rajindra Hospital, Patiala. Request was made to take legal action against the culprits. On request made, FIR was registered and the investigation commenced. During investigation, the petitioner was arrested on 23.11.2023, however, he approached the Court of Learned Additional Sessions Judge, Sangrur praying for grant of bail, however after hearing both the sides, the same was declined by the Ld. Additional Sessions Judge, Sangrur vide order dated 16.01.2024. Aggrieved by the same, the petitioner is before this Court by the present petition praying for grant of bail.

3. Learned counsel for the petitioner, at the outset, has submitted that petitioner has been attributed injuries on the right arm biceps of the complainant with a daang, which has not been medically corroborated. He has submitted that parties have already entered into a compromise and had approached this Court by way of filing of petition



bearing 'CRM-M No.10868 of 2024' for quashing of the FIR on the basis of compromise but the same has already been dismissed as withdrawn vide order dated 25.09.2024. He thus, submits that the petitioner is behind bars since 23.11.2023. He prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Amin Khan, who has already been granted the concession of regular bail by this Court vide order dated 29.07.2024 passed in **CRM-M-35016-2024** titled as '**Amin Khan Vs. State of Punjab**'. He submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioner. However, on instructions, he has submitted that the quashing petition on the basis of compromise has been filed by the parties, which has been dismissed as withdrawn vide order dated 25.09.2024.

5. Heard. On hearing counsel for the parties and perusing the record, it is apparent that the petitioner is behind bars since 23.11.2023. As per the allegations in the FIR, the petitioner along with his co-accused attacked upon the complainant and his family. Other co-accused of the petitioner, namely, Amin Khan, has already been granted bail by this Court.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail on



the basis of parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. If the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

15.10.2024
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(RAJESH BHARDWAJ)
JUDGE

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