

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-22910-2024
Date of decision: 23.07.2024

JASHANDEEP SINGH @ JASSI @ MAKHIPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

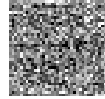
Present : Mr. R.S. Sangha, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.179 dated 25.11.2023, under Sections 307, 341, 323, 506, 427, 148 and 149 of IPC (Section 325 of IPC, was added later on), registered at Police Station Sadar Kotkapura, District Faridkot.
2. The present FIR has been registered on the statement of one Lakhvir Singh @ Lakha. The relevant extract of the same reads as under:-

“That I was riding the said motorcycle and when we reached near village Nawan Nathewala then at about 10:30 AM on the road Angrej Singh @ Bittu S/o Dulla Singh armed with iron Garari, Jashandeep Singh @ Jassi @ Makhi S/o Angrej Singh armed with Khanda, Jagreet Singh @ Reet @ Billa S/o Angrej Singh @ Bittu Bhola Singh armed with handle of water tap, Karandeep Singh @ Novi S/o Gursewak Singh armed with baseball bat, Vicky S/o Bhola Singh armed with Baseball bat, Sukhpreet Kaur W/o Angrej Singh



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@Bittu Rio Nawa Nathewala restrained them and Sukhpreet Kaur raised lalkara they we be caught and taught a lesson for helping their neighbor Karamjit Kaur in raising construction of house. That in the meantime Jagreet @ Reet gave a blow with handle of water tap to me which struck on the first finger of my right hand. Then Harmandeep @ Huma gave a blow with handle of water tap on me which struck on the palm of my right hand. Then Angrej Singh @ Bittu gave a blow with an iron garari which struck on elbow of left arm. Then we both fell down and in the meantime Jashandeep Singh @ Makhi gave a blow with Khanda with full force with an intention to kill me which struck on the left side of his head, That I raised alarm Marta Marta then Jagreet Singh @ Reet gave a blow with handle of water tap which struck on thigh of left leg. Then Jashandeep Singh gave a blow with Khanda which struck on calf of my left leg. Then Harmandeep Singh @ Hama gave a bow with handle of water tap which struck on left thigh. Then Vicky gave a blow with baseball bat which struck on his back. Then Karamdeep Singh @ Novi gave a blow with baseball bat which struck on his back. Then Angrej Singh @ Bittu gave blow with iron Garari which struck on his left hand. Then I raised alarm for help. That all the accused have also inflicted injuries to my cousin and also damaged my motorcycle. That people gathered on the spot after listening to my alarm. Then all the accused ran away from the spot along with their respective weapons after give us life threats.”

3. Learned counsel for the petitioner in asking for the relief (supra), submits that though the injuries caused, which were subsequently declared as dangerous to life, is attributed to the present petitioner, however, the petitioner has suffered incarceration of approximately 08 months, as on today. Learned counsel for the petitioner further submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed on 03.02.2024.



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Learned counsel for the petitioner also submits that out of the total 24 prosecution witnesses cited in the final report, none has been examined till date. Learned counsel for the petitioner in addition submits that out of the total 07 accused persons, 05 have already been granted the relief of regular bail/anticipatory bail, whereas, one has been declared as proclaimed offender, in the instant matter, and he is the only one, who is behind the bars. Learned counsel for the petitioner over and above submits that the petitioner is stated to have given only one single khanda blow on the head of the complainant-Lakhvir Singh @ Lakha, however, he if has any intention to cause death, he would have inflicted more blows on the head of the complainant, therefore, the offence under Section 307 of IPC, which is invoked by the prosecution is attracted, or not is to be adjudicated by the learned trial Court concerned, at the relevant point of time.

4. Status report by way of affidavit dated 22.07.2024 of Sh. Jatinder Singh, PPS, Deputy Superintendent of Police, Sub Division Kotkapura, District Faridkot has been filed on behalf of respondent-State. The same is taken on record. Copy of the same has been supplied to the opposite counsel. A perusal of the status report reveals the role of the present petitioner, which reads as under:-

“5. That it is respectfully submitted that injury/role attributed to the petitioner is given below:

(i) Petitioner Jashandeep Singh Makhi gave a blow with Khanda with full force with an intention to kill the complainant (Lakhvir Singh) which struck on the left side of his head (Injury No.4 declared grievous and offence under Section 307 of IPC is made out).

(ii) Petitioner Jashandeep Singh gave a blow with Khanda which struck on calf of left leg of Complainant Lakhvir Singh. (Injury No.6)

(iii) Petitioner Jashandeep Singh gave a blow with Khanda



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which struck on the knee of the left leg of Gurdeep Singh. (Injury No.1 and the same is declared grievous), vide the opinion of the doctor dated 12.02.2024 and the offence U/s 325 IPC was added vide Rapat No. 32 dated 14.02.2024.”

5. Per contra, the learned State counsel has placed on record the custody certificate of the petitioner, as issued by the Superintendent of Central Jail Faridkot. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 07 months and 24 days, as on today. Learned State counsel on instructions, imparted to him from the official respondent, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed on 03.02.2024. Learned State counsel further submits that out of the total 24 prosecution witnesses cited in the final report, none has been examined till date.

6. This Court has heard the learned counsel for the parties concerned, and perused the record.

7. Considering the fact that all the other co-accused have been granted the relief of regular bail/anticipatory bail, and petitioner has suffered incarceration of 07 months, and 24 days, as on today, and also considering the fact that out of the total 24 prosecution witnesses cited in the final report, none have been examined till date, therefore, conclusion of time will take long time, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.



8. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.
9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.
10. All pending application(s) stand **disposed** of accordingly.

23.07.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No