



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-M-23278-2024

Date of decision: May 14, 2024

JASWINDER SINGH @ NEETA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Bhupinder Kaur Bhangu, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab
with ASI Baldev Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.413 dated 31.12.2023 (Annexure P-1) under Sections 341, 323, 307, 149 of the Indian Penal Code, 1860 (and Section 325 IPC added later on), registered at Police Station City Kapurthala, District Kapurthala.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the allegations levelled in the FIR in question, which has been annexed as Annexure P-1, submits that a perusal of the same reveals no manner of doubt that the petitioner has not been attributed any grievous injury on the person of the complainant, much less any injury inviting the mischief of an offence under Section 307 of the IPC. She further submits that the only role, if any, attributed to the petitioner is of having encircled the complainant and his friend, who were on a scooter, and having questioned them as to why they were visiting their colony at such a late hour. She has further submitted that since the petitioner has now been in custody for almost 5 months now, having been

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arrested on 31.12.2023 and even the investigation in the case in hand is complete, further incarceration of the petitioner would serve no useful purpose.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed that no injury inviting the mischief of Section 307 of the IPC or even Section 325 of the IPC had been attributed to the petitioner, however, he submits that the petitioner along with the co-accused had not only encircled the injured-complainant but had also inflicted injury with brick bats on his person. Learned State counsel has not controverted that the investigation in the present case is complete as challan stands presented, however, he submits that charges are likely to be framed on the next date fixed before the learned trial Court i.e. 17.05.2024.

4. On a pointed query, learned State counsel has informed the Court that 16 witnesses had been cited by the prosecution. Learned State counsel has also placed on record the custody certificate of the petitioner, wherein it stands reflected that the petitioner has previously been involved in a number of criminal cases though in almost all of them, he has either been acquitted or he has served out his sentence.

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

6. As not disputed by the learned State counsel, on instructions, the petitioner has not been attributed any of the grievous injuries on the person of the injured except that he along with the other co-accused had encircled the injured and had thrown brick bats upon them. The trial would take considerable time to conclude as charges have not yet been framed, coupled with the fact that as many as 16 witnesses have been cited by the prosecution.

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7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant petition and extend the concession of regular bail to the petitioner.

8. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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 add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

May 14, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No