



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

CRM-M-33278-2024

Date of Decision : 25.07.2024

JASWINDER SINGH ALIAS KALA SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amarpreet Singh, 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.42, dated 05.04.2024, under Sections 323, 325, 308, 34 and 506 of the IPC, registered at Police Station Civil Lines, Bathinda. culled

2. The prosecution agency was set into motion on a statement suffered by one Mangat Singh (complainant/injured).

3. The brief facts of the facts, which are culled out by the judgement of learned Additional Sessions Judge, Bathinda, while declining the regular bail application of the present petitioner, reads as under:-

“6) The case was registered on the statement of complainant Mangat Singh on the averments that he is employee at Karyana shop in Dana Mandi, Bathinda. Gurmeet Singh @ Gummi son of Kala Singh used to tease him by saying Mota (fat-man). Some days ago, he had gone to Machhi Chowk, Dhobiana to take Burger, where Gurmeet Singh started teasing him. When he tried to stop him, Gurmeet Singh gave slap to him. On 28.11.2023, at about 6.30 p.m., he was going to shop. Gurmeet Singh @Gummi called him. When

he went near him, he gave an iron rod blow on his head. Then Kala Singh father of Gurmeet Singh armed with iron rod came there. Kala Singh gave iron rod blow upon his head. The accused gave beatings to him and caused injuries on his face and neck. He raised alarm and the accused fled away from the spot alongwith their respective weapons by giving threats.”

3. In asking for the relief (*supra*), learned counsel for the petitioner, submits that in fact as per the FIR date of occurrence is dated 28.11.2023, whereas the first time DDR was lodged on dated 04.12.2023, i.e. after six days of the alleged occurrence.

4. He further submits that after four months, i.e. on dated 02.04.2024, the investigating officer filed an application to the doctor concerned for taking opinion with regard to the nature of injury suffered by the complainant, and on dated 05.04.2024, the doctor opined one of the injuries suffered by the complainant/injured to be dangerous to life, and thereupon, the commission of offence under Section 308 IPC, was added in the instant FIR.

5. Finally, by referring to the sequence of events, he submits that it clearly reflects that there is a huge delay in lodging instant FIR. He in addition submits that the doctor gave opinion *qua* injury no.1 only that “the possibility of injury no.1 being dangerous to life cannot be ruled out”, however, there is no concrete evidence, regarding the said injury suffered by the complainant/victim is actually dangerous to life or not.

6. Notice of motion.

7. Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of respondent-State and vociferously opposed the asked for relief (*supra*), and has filed custody certificate *qua* the petitioner, which reflects that the

petitioner has suffered incarceration of 3 months and 18 days, as on today, and he is not involved in any other criminal case.

8. He over and above submits that injury which is dangerous to life is attributable to the present petitioner as he gave iron rod blow on the head of the complainant/injured.

9. He finally submits, on instructions imparted to him by the police official concerned, that investigation has been completed and the final report has already been filed on 31.05.2024, and charges are yet to be framed and in the final report, the prosecution has cited total 15 witnesses.

10. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

11. The issue, whether the delay in lodging the instant FIR has any impact on the veracity of allegations of the prosecution would be decided by the learned trial court concerned, at an appropriate stage, however, at this stage, this Court refrains itself to make any observation in this regard.

12. Be that as it may be, considering the fact that the petitioner has suffered sufficient incarceration i.e. of 3 months and 18 days as on today, and he is not involved in any other criminal case, coupled with the fact that the trial is yet to begin, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. 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 his respective

bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

July 25, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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