



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-34046-2024
Date of decision: 27.08.2024

JAGVIR SINGH
Versus
STATE OF PUNJAB
....Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Naveen Sharma, 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.15 dated 10.02.2024, under Sections 323/324/341/379-B/34 of IPC (Section 379-B of IPC got deleted, and Section 326 of IPC was added later on), registered at Police Station Lambi, District Sri Muktsar Sahib.
2. Reply by way of affidavit dated 23.08.2024, of Sh. Jaspal Singh, PPS, Deputy Superintendent of Police, Sub Division Lambi, District Sri Muktsar Sahib 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.
2. The allegations, as levelled against the present petitioner in the present FIR, reads as under:-

“statement of Rajinder Kumar @ Neeta son of Dev Raj r/o Model Town, House NO 533, Phase-1, Bathinda aged about 58 years, mb. No.XXX stated chat I am resident of aforesaid address and is running commission agent shop at grain market, Bathinda. My firm name is Dev Raj Mohan Lal. Jagbir Singh son of Sukhdarshan Singh, r/o Bajak



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District Bathinda had given an application against me at DSP Lambi office and I had gone to office of DSP Lambi in order to join in enquiry, alongwith Satish Kumar @ Babbu Pardhan commission agent union Bathinda and Mohit Kumar son of Surinder Kumar r/o Model Town, Phase-1, Bathinda in my car bearing No. XXXX make I-10 and after meeting DSP I was returning to Bathinda via village Badal alongwith aforesaid persons in my car. It was about 04.00pm, when we reached at Phrini of village Badal, then on swift car colour grey and one another unidentified car came from opposite side, in which Jagbir Singh son of Sukhdarshan singh r/o Bajak and Nirmal Singh son of Major Singh r/o Bathinda and 7/8 unidentified persons were accompanying them and waylaid our car and aforesaid persons were armed with baseball, handle of spade and Jagbir singh, Nirmal Singh were armed with sword, who immediately after alighting from vehicle, said that let us teach lesson for not giving payment for crop, on which Jagbir Singh gave four blows of his sword on my left leg. Then Nirmal Singh gave sword blow on my left leg, which hit just underneath my knee. Then Nirmal Singh gave two blow, which hit under my right knee. Then unidentified persons gave three blows with their baseball bat, which hit on my right wrist, left hand thumb and left elbow, to whom I can identify upon seeing them. unidentified person, were also having one pistol, these aforesaid with connivance with each other have inflicted injuries at the behest of Gurmeet, Jarnail Singh, resident of Narwana. On hearing our alarm all aforesaid were about to ran away from spot. Then I was having Rs.45000/- with me, and mobile phone and Satish Kumar @ Babbu Pardhan was also having mobile phone and my car key which was also snatched away by them.”

3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

(i) Though there are allegations that petitioner has caused injuries to



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the victim, by a sharp edged weapon, however, the petitioner has suffered incarceration of more than 03 months, as on today;

(ii) The final report under Section 173 Cr.P.C., had already been filed on 29.06.2024, but the charges are yet to be framed;

(iii) He further submits that Section 379-B of IPC, was deleted later on, therefore, now, all the other offences under which the petitioner is facing trial, is triable by the Court of Judicial Magistrate First Class;

(iv) Out of the total 15 prosecution witnesses cited in the final report, none has been examined till date.

4. Per contra, the learned State counsel, has opposed the grant of regular bail to the present petitioner, and submits that all the three injuries, which attracts the penal provision of Section 326 IPC, has been caused by the present petitioner, and therefore, he is not entitled for the grant of regular bail. Learned State counsel has placed on record the custody certificate *qua* the petitioner, as issued by the Superintendent of District Jail, Muktsar. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 03 months and 19 days, as on today. A perusal of the custody certificate further reveals that the petitioner is not involved in any other case. Learned State counsel on instructions, imparted to him by ASI Hardeep Singh, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed on 29.06.2024, but the charges are yet to be framed. Learned State counsel further submits that out of the total 15 prosecution witnesses cited in the final report, none has been examined till date.

5. This Court has examined the instant petition, and is of the considered



opinion that the instant petition is amenable for being allowed.

6. The reason for forming the above inference emanates from the factum that:- (i) The petitioner is not involved in any other criminal case; (ii) The petitioner has suffered incarceration of 03 months and 19 days, as on today; (iii) Out of the total 15 prosecution witnesses cited in the final report, none has been examined till date.; (iv) The final report under Section 173 Cr.P.C was filed on 24.06.2024; (v) No fruitful purpose would be served by keeping the petitioner behind the bars; (vi) Trial is not likely to conclude anytime soon.

7. Considering the hereinabove made discussion, 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.

27.08.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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