

CRM-M-42477-2023

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(222) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42477-2023

Date of Decision: 16.01.2024

JARNAIL SINGH @ JELLY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amandeep Singh Samra, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.82 dated 27.06.2022 (Annexure P-1) registered under Sections 365, 323, 148, 149 IPC, 1860 at Police Station Dirba, District Sangrur.

2. The brief facts of the case are that the statement of Gurpiyar Singh complainant was recorded who stated that he was a painter. On 22.06.2022, while he along with Chanan Singh were riding on his motorcycle and were in the market, then in meantime, Jarnail Singh @ Jelly (petitioner) who was empty handed at that time came there to call him and stated that he wished to talk to him. He took him near a Skoda car parked near Bhawanigarh and he sat inside the car. Meanwhile Amrik Singh @ Mika (granted bail vide order dated 23.11.2022 passed in CRM-M-53215-2022), Billa son of Mohna and two other unknown persons sat inside the car and

Billa started driving the car and took him about half a kilometer towards the *Kacha* road. There, Amrik Singh who was carrying a rod pasted with *Garari* in his hand inflicted a blow upon his left leg and Billa was made to sit in the car. Then Jarnail Singh @ Jelly gave a rod blow on his right leg. Amrik Singh gave a blow on his right leg. Then Karnail Singh @ Jelly gave a rod blow on his left shoulder. When a noise was raised the people gathered at the spot and the accused fled away.

3. The learned counsel for the petitioner contends that all the offences except Section 365 IPC are bailable. In fact, the said section has been added to make the offence non-bailable. The petitioner was in custody since 29.03.2023. The challan stood presented and since none of the 18 prosecution witnesses had been examined, the trial was not likely to be concluded any time soon and therefore, he be granted the concession of bail *moreso* when his co-accused had been granted the same concession.

4. On the other hand, the learned State counsel contends that the petitioner is one of the main accused. The manner in which the occurrence took place did not entitle him to the grant of regular bail *moreso* when he had criminal antecedents with 5 other cases pending against him. He, however, did not dispute the fact that no prosecution witnesses has been examined and that a co-accused had been granted bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is in custody since 29.03.2023. The investigation stands completed and none of the 18 prosecution witnesses have been examined so far. A similarly situated co-accused Amrik Singh @ Mika

has been granted bail. Therefore, the further incarceration of the petitioner is not required moreso as the Trial of the present case is not likely to be concluded anytime soon.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jarnail Singh @ Jelly son of Parkash Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

16.01.2024

JITESH

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