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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 46645-2023
Date of decision:-20.11.2024

JAGDEEP SINGH @ JAGGA
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Arun Rana, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 19.11.2024 the same is taken on record. Copy thereof, has been supplied to the counsel opposite

2. The instant petition has been preferred by the petitioner under Section 439 of Cr.P.C for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
2	13.01.2022	302, 323, 324, 201 & 34 IPC	Dhilwan, District Kapurthala

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is in custody since 13.01.2022. He contends that even as per the allegations



levelled by the prosecution the petitioner is alleged to have given a kirpan blow on the finger of the complainant and has not caused any injury which was fatal to the deceased. He contends that after completion of investigation challan has been presented in the Court wherein prosecution has cited 20 witnesses and only 2 witnesses have been examined till date. Hence he prays for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that the petitioner in connivance with the co-accused had committed murder of Joginder Singh and the petitioner is especially alleged to have caused injury on the middle finger of the left hand of the complainant Ajay Singh as such he prays for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it transpires that as per the allegations, petitioner alongwith Gurinder Singh have allegedly caused injuries to the complainant and his father and as per allegations petitioner has inflicted kirpan blow on the middle finger of the left hand of the complainant Ajay Singh while Gurinder Singh gave datar blow on the forehead of Joginder Singh resulting in his death. After completion of investigation, challan has already been presented in Court and the case is pending trial wherein prosecution has cited 20 witnesses and 2 witnesses have been examined so far. Admittedly, no injury is attributed to the petitioner to have been caused to the deceased. The injury attributed to the petitioner on the middle finger of the left hand of the complainant is not on the vital part of the body. The conclusion of trial to ascertain criminal



liability, if any, of the petitioner in the present case will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.11.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |