

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

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**CRM-M-56776-2024
Date of Decision: 20.11.2024**

JARNAIL SINGH ALIAS JAILY

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Rashi Verma, Advocate for
Mr. Manu Loona, Advocate
for the petitioner.

Mr. M. S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No.68 dated 22.04.2023 registered under Section(s) 307, 323 and 324 IPC at Police Station City-1 Abohar, District Fazilka.

2. The FIR in the present case was registered on the basis of the statement made by Sunita Rani wife of Gurmeet Singh. She alleged that in the matrimonial house, she lives alongwith her husband, son, devar, father-in-law and mother-in-law jointly. That on 20.04.2023 at about 4:00 pm she along with her mother-in-law Chinder Kaur were present in the house and rest of the family member had gone for labour work. Her father-in-law Jarnail Singh/petitioner, who runs an auto rickshaw, came in the house in a drunkard condition and after parking the auto rickshaw in the house,



took a kapa from the adjoining room and gave its blow from the sharp side and when she tried to rescue her, the kapa hit her on the left side of her head, due to which she fell down in the courtyard and on hearing her noise, her mother in law Chinder Kaur came for her rescue. In the meantime, Jarnail Singh/petitioner gave a kapa blow from its sharp side hitting the fingers of her left hand, due to which, her little finger was chopped off and the adjoining three fingers were also badly injured. Jarnail Singh also gave more injuries with the kapa hitting her back, due to which she fell in the courtyard. On raising hue and cry by her mother-in-law Chinder Kaur, her father-in-law/petitioner ran away from the spot along with the kapa.

3. Learned counsel for the petitioner contends that the occurrence had taken place on 20.04.2023 at about 04:00 pm, whereas the FIR was registered on 22.04.2023 after a long delay. As per the MLR (Annexure P-2), the complainant had suffered only four injuries and none of the injury was declared to be dangerous to life. She further submits that during the course of trial, statement of Chinder Kaur was recorded and she has not supported the case of the prosecution. Still further the prosecution has also been examined one witness out of total eleven witnesses and the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on

the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner was arrested on 22.04.2023 and is in custody for the last about 01 year and 07 months. The injured has suffered only four injuries and none of the injuries were declared to be dangerous to life. Chinder Kaur has already been examined as PW-1 in the present case and she has not supported the case of the prosecution. Still further the petitioner is a first time offender and he is not involved in any other criminal activity.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

20.11.2024
M.Sikka

(N.S.SHEKHAWAT)
JUDGE

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