

2025:PHHC:067880



222.

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

CRM-M-3446-2025

Date of decision: 20.05.2025

Jasvir Singh @ Jassa

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yaseen Sethi, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

Mr. Balwant Singh, Advocate, for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.0079, dated 03.06.2024, under Sections 307, 326, 323, 506, 34 of IPC, registered at Police Station Shahkot, District Jalandhar Rural.

2. Learned counsel for the petitioner submits that a false and fabricated case having been planted upon the petitioner is evident from the fact that in the FIR in question, annexed as Annexure P-1, the only role attributed to the petitioner was of having raised a *lalkara* at the time of alleged occurrence. However, subsequently, a supplementary statement was allegedly made by one of the injured, who improved upon the earlier version given in the FIR and stated that the petitioner had inflicted a *datar*

injury on his hand. Learned counsel has submitted that the supplementary statement was made after 04 days of the alleged occurrence which clearly points toward a fabricated and embroiled version having been given by the complainant party for reasons but obvious. It has been further submitted that the petitioner has now been in custody since 12.06.2024 and after the challan was presented, charges were framed on 07.11.2024, however, till date, none of the 26 prosecution witnesses has been examined. Hence, the possibility of the trial concluding in the near future did not arise.

3. Power of Attorney filed on behalf of complainant in Court today, is taken on record.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR in question (Annexure P-1). It has been argued that no doubt, in the FIR, no specific injury has been attributed to the petitioner and only a *lalkara* was attributed, however, subsequently, one of the injured had made a statement regarding the injury inflicted by the petitioner, who was alleged to be armed with a *datar*.

5. On being pointedly asked from the learned State counsel regarding the nature of injuries attributed to the petitioner, he, on instructions, has submitted that said injury was opined to be simple in nature. Learned State counsel, on further instructions, has neither disputed the stage of trial nor the custody period.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The investigation qua the petitioner is complete, however, none of the 26 witnesses cited by the prosecution have been examined till date. Therefore, the possibility of the trial concluding in the near future does not arise. Furthermore, the petitioner has not been attributed any injury which was opined to be dangerous to life; the injury inviting the mischief of Section 307 IPC/109 of BNS has been attributed to co-accused even as per the instructions received by learned State counsel.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

May 20, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No