



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

CRM-M-32346-2024
Date of decision: 05.02.2025

Jashandeep Singh @ Jashan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sandeep Gehlawat, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

Mr. D.S. Virk, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case having FIR No.13 dated 20.01.2024, registered under Sections 324, 323, 341, 506, 148, 149 of IPC (Sections 325 and 326 IPC added later on), registered at Police Station Civil Lines, Patiala, District Patiala.

2. The allegations in nutshell are that complainant Shakti was dealing in scrap and on 29.12.2023, accused Kalwa, Toti and Golu committed theft of certain articles from his house. Then on 10.01.2024 at about mid night, he received telephone call made by accused Munchi who asked him to reach near Moti Bagh, Gurudwara Sahib, in order to resolve the issue with regard to aforesaid theft. On this, complainant, his wife Radhika and one Lavish reached the disclosed spot. On reaching there, all three of them were surrounded by the aforesaid accused and their



accomplices including the present petitioner, who attacked them. Munchi gave knife blow which hit in the left side of stomach of complainant. The present petitioner gave iron rod blow on head of the complainant. The other accused also caused injuries to the complainant. Even Lavish also sustained injuries at the hands of accused persons.

3. The counsel for the petitioner inter alia submits that petitioner is falsely implicated in the present case and is in custody for the last more than 10 months and not involved in any other criminal case and that it will take time for the trial to conclude and further the grievous injury caused with sharp edged weapon is not attributed to the present petitioner. That in the given circumstances, no purpose is going to be served by prolonging judicial custody of the petitioner.

4. The present petition is resisted by the State counsel who submits that the petitioner was member of the unlawful assembly which caused injuries to complainant Shakti and Lavish. The petitioner caused injury on head of the complainant with the help of iron rod while the injury caused by co-accused Munchi @ Manish with the help of knife on the person of the complainant was found to be grievous in nature. The State counsel has not disputed the fact that the petitioner is having no criminal antecedents and is in custody for the last more than 10 months and that till date prosecution is able to examine 2 witnesses out of total 17 witnesses.

5. It appears that the main injury covered under Section 326 IPC was caused by co-accused Munchi with a knife (sharp edged weapon). The petitioner who is not involved in any other criminal case is behind bars for the last more than 10 months and it will take time for the trial to conclude,

as prosecution is to examine 15 more witnesses. In the given circumstances, as main injury covered under Section 326 IPC is attributed to the present petitioner only with the aid of Section 149 IPC, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

6. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.02.2025
Yogesh

(KARAMJIT SINGH)
JUDGE

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