



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

228

CRM-M-36846-2024

Date of decision: July 10th, 2025

Jagmail Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Umaid Singh Mann, Advocate
with Mr. Abhay Ahir, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed by the petitioner seeking the concession of regular bail in FIR No.49 dated 27.08.2023 registered under Sections 307/323/506 of the Indian Penal Code, 1860 and Section 75 of The Juvenile Justice (Care and Protection of Children) Act, 2015, at Police Station Handesra, District S.A.S. Nagar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case at hand and has now been in custody since 27.08.2023. It has been submitted that the trial is still underway and the possibility of the same concluding in the near future looks remote with eight prosecution witnesses still remaining to be examined. It has still further been contended that the complainant Gagandeep and his sister Simran Kaur, who were allegedly inflicted injuries by the petitioner with *Shri Sahib* (miniature *kirpan*), have already been examined during trial and, therefore, there can be no apprehension of

the petitioner intimidating or influencing the witnesses much less tampering with evidence. Learned counsel has submitted that material contradictions have come to the fore from during the evidence of the complainant party, which further lend credence to an exaggerated and false version having been brought forth against the petitioner, who also happens to be the father of the complainant and the injured.

3. On being pointedly asked, learned counsel has submitted that the petitioner has no previous criminal antecedents.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by counsel opposite, has not disputed that all the material witnesses including the injured stand examined; it has also not been disputed that eight prosecution witnesses still remain to be examined. However, it has been submitted, on instructions, that there are direct allegations against the petitioner of having inflicted injuries with *Shri Sahib* on the person of the complainant as well as injured which find due corroboration from the medical evidence; the occurrence in question has also been captured by the CCTV footage. It has been further submitted that the petitioner has approached this Court for the second time seeking similar relief, however, concededly when the earlier petition was dismissed as withdrawn on 05.03.2024 (Annexure P-2), charges had not been framed and the evidence of the prosecution witnesses had not been recorded.

5. On a further query, learned State counsel, on instructions, has not disputed that the petitioner has no previous criminal antecedents. However, he has reiterated all the other allegations in the FIR, which stands reproduced hereinafter:

“Declared that I am a resident of the said address and I am studying in Primary School Handesara, we are three brothers and sisters, the eldest of whom is my sister Simran Kaur, I am younger than her and the youngest is my brother Sukhbir Singh. My mother Balwinder Kaur and my father Jagmail Singh have been living separately for a long time due to mutual quarrel, my mother is living in my maternal village Behra and I and my siblings are living in Handesra with my father Jagmail Singh son of Ranjit Singh. Due to the separation of my parents, whenever my siblings and I asked to talk to our mother or go to our mother, our father Jagmail Singh used to beat us. Which often our father keeps us hungry and thirsty and keeps telling us that you are my enemy like your mother. On 25.08.2024, due to the school holiday, all of us brothers and sisters were at home, so our father first beat my sister Simran Kaur because of her housework and then beat me badly. Saddened by this, my sister Simran Kaur told our mother Balwinder Kaur about this incident over the phone. After he came to the know about the incident on dayed 26.03.2024 in the morning at around 09:00 after he came home and brought all three us together and started telling us that you were never mine and you are only related to your mother and I will kill you today. After which at first my father punched us and then with an intention kill my sister, my father took out his kirpan and hit my sister, that the Kirpan hit my sister Simran Kaur's head. On which I in order to save my sister my father began to say that I will kill you too and hit me with the kirpan which hit me on the head, after which my father Jagmail Singh beat me and my sister he kept threatening to kill us. After which we left the house and saved our life by

running away and then told about this incident to your relatives, who saw us in injured condition and got us admitted to Civil Hospital Derabassi for treatment. Had we not run out of the house, my father would have killed us. Earlier we were not telling this to anyone out of fear, but now we are telling the whole thing out of sadness. That my father Jagmail Singh severely beat me and my sister Simran Kor and threatened with intention to kill us and attacked us on our head with Kirpan. Against whom appropriate action should be taken, I alongwith my sister Simran have given our statement in Civil Hospital Derabasi the same have been written and read out to us. After writing the statement the same was read, who, after hearing his statement, accepted it as true and signed in English under the statement, attesting to the statement His sister Simran Kaur did and the statement was verified by SI Jatinderpal”

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

7. The petitioner has been in custody since 27.08.2023 for allegedly inflicting injuries on the person of his son and daughter. All the material witnesses stand examined with eight still remaining to be examined. Hence, the trial is unlikely to conclude in the near future.

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned, who may impose any additional stringent conditions to ensure that the petitioner appears on each and every date of hearing before the trial Court and does not misuse the liberty granted to him.

9. 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 say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

July 10th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No