

2025:PHHC:053283



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

CRM-M-48693-2024 (O&M)

Date of decision: 25.04.2025

Jaspal Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Molly Tarunima Tagore, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab

MANJARI NEHRU KAUL, J. (ORAL)

CRM-11370-2025

Application is allowed, as prayed for.

Copies of statements of PW-1, Sonia and PW-2, Sahib Singh,
as Annexures P-3 and P-4 are taken on record subject to all just exceptions.

CRM-M-48693-2024

1. Present petition has been filed under Section 483 of Bharatiya
Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in
case FIR No.96, dated 18.09.2020, under Sections 458, 323, 324, 34, 506 of
IPC (Sections 325, 308 IPC added lateron), registered at Police Station
Mattewal, District Amritsar.

2. Learned counsel for the petitioner submits that a false and
fabricated case has been brought forth against the petitioner at the instance
of the complainant on account of the complainant party being averse to the

petitioner having married into the complainant's family, against their wishes. It has been further submitted that the petitioner has now been in custody since 01.06.2023 and even though, charges were framed way back on 08.11.2023, the trial had not concluded yet, as 20 witnesses still remain to be examined. Furthermore, it has been asserted by the learned counsel that all the material witnesses, including PW-2, Sahib Singh, who was allegedly inflicted *datar* blow at his forehead and face, inviting the mischief of an offence under Section 325 of IPC, had already been examined before the trial Court and hence, there could be now no apprehension that the petitioner on being released on bail could intimidate or influence any of the material witnesses.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Karam Singh, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. He, on further instructions, has also not disputed the factual aspect of the role attributed to the petitioner. However, learned State counsel has reiterated the allegations levelled against the accused party, including the petitioner, which stands reproduced hereunder:-

“Statement of Sonia, wife of Sahib Singh @ Tota, resident of Mattewal, aged about 30 years Mobile No. 9592243376, it is stated that "I am a resident of the said address and I am a housewife. I have two kids, elder one, named Jashanpreet Singh, aged 10 year and younger one, named Supreet, aged 5 years. My husband and I, along with our family, on 09.09.2020, like every night were sleeping after having dinner, my daughter and I were sleeping on one cot while my husband and son were sleeping on another cot beside ours and one light-bulb was switched-on in the verandah and

my father-in-law, Bagicha Singh was sleeping inside the house, when around 2 at night, on 10.09.2020, a man entered our house by scaling the wall facing the street. He was armed with a dattar. It was when I came out of the bathroom. I saw him suddenly attack my husband, who had been sleeping. My husband and I started screaming. I saw that the man was our neighbour, **Jaspal Singh @ Sony** son of Sardool Singh @ Dula, resident of Mattewal. He attacked my husband four times, on his mouth, forehead and twice below his eyes. When after hearing all the noise, my father-in-law, Bagicha Singh came at the spot, then Jaspal Singh along with his weapon, again threatened to kill us and ran away towards the street by crossing the wall. After that, when I looked outside the gate of my house, I saw Angrej Singh, son of Sardool Singh and Soni Singh @ ManoChahal, son of Indersingh, resident of Mattewal, who were standing near our wall with the support of a chair also ran away on their motorcycle. The motive behind this attack is that Jaspal Singh and his brother Angrej Singh, son of Sardool Singh blamed my husband, Sahib Singh that he had sent police to their house in connection with alcohol raid. It was due to this enmity that Jaspal Singh @ Sony, Angrej Singh and Soni Singh, all together conspired to attack my husband while he was asleep and threatened to kill us. I, then went along with my brother-in-law, Sama Singh took my husband to Civil Hospital, Tarsikka, where the doctor, on seeing the serious state of my husband referred him Guru Nanak Dev Hospital, Amritsar. Then, we took my husband to Guru Nanak Dev Hospital, where the doctor told us that treatment option was not available there and asked us to take him to a private hospital, which is why we took him to Guru Ram Dass, Charitable Hospital and at got him admitted there on 10.09.2020 at 5 a.m. But when we were there, the doctor told us that oxygen was not available which is why we took him to Sandhu Hospital, Dadduananwan and he is getting treated over there. In the meantime, the elders and other respectable people of the village tried to get the matter compromised however, it was not fruitful. Therefore, I along with my brother-in-law, Sama Singh were coming to the police station to report, that you have met us. I have recorded my statement with you and have informed you about the MLR No. of my husband 152/CHC/Tarsikka dated, 15.09.2020. We have suffered injustice, justice be provided to us. My husband is in serious condition and is undergoing treatment. Deponent-Sd/-Sonia Sd/-.”

4. Learned State counsel, however, submits that the next date fixed before the trial Court is 30.04.2025 when some of the remaining 20 prosecution witnesses are likely to be examined.

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

6. The petitioner has been in custody since 01.06.2023. All the material witnesses stand examined, including PW-2, Sahib Singh, who allegedly sustained injuries at the hands of the petitioner. The trial would take considerable time to conclude.

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

8. 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.

9. 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

April 25, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No