

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52432-2024
Reserved on: 14.02.2025
Pronounced on: 20.02.2025

Jagdish Singh @ Disha ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. S.P.K. Phoolka, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
213	12.08.2018	Talwandi Sabo, Bathinda	324/34 IPC (Section 307 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC seeking regular bail.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“4. On dated 08.08.2018, one medical Ruqqa No.765 about admission of Babu Singh Son of Sita Singh resident of Lelewala due to sustaining injuries was received from Civil Hospital, Talwandi Sabo and on which, ASI Gurtej Singh 85/Bathinda along with Constable Shinderjit Singh 1196, PHG Balwinder Singh 22448 reached at Civil Hospital, Talwandi Sabo and after obtaining MLR No.GS/TS/533/AUG/2018, wherein total 3 Sharp Injuries were recorded to be inflicted, presented application before concerned medical officer and the medical officer had informed about the referral of injured.

5. That on dated 09.08.2018, ASI Gurtej Singh along with police party reached Civil Hospital, Bathinda and came to know about referral of injured Babu Singh also from Civil Hospital, Bathinda and no information was received about admission of injured in any hospital till dated 10/11.08.2018. Then on dated 12.08.2018, brother of injured Babu Singh namely Gurmail Singh Son of Sita

Singh resident of Lelewala had informed that his brother Babu Singh was admitted into Guru Gobind Singh Hospital, Faridkot and on which, ASI Gurtej Singh along with police party and above said Gurmail Singh reached at Guru Gobind Singh Hospital, Faridkot. Then ASI Gurtej Singh had presented application to concerned medical officer for obtaining fitness of injured to recording statement and the concerned medical officer had declared the injured Babu Singh as fit to make statement. Ultimately, ASI Gurtej Singh had got recorded statement of injured Babu Singh, which is reproduced as under:-

"Statement of Babu Singh son of Sita Singh, caste Majbi Sikh, resident of village Lelewala, Police station Talwandi Sabo, District Bathinda aged about 70 years. Stated that I am resident of above said address and I am old aged person and doing the work of grazing animals with my family and I have three sons and one daughter, all of them are married, my three sons are living separately and I along with my wife Harbans Kaur are living separately. On dated 07.08.2018, at night, after taking meals, I was sleeping on the cot in the street then at about 09.30PM, our neighbors Gora Singh son of Jangir Singh, Jagdish Singh alias Disha, Deepu sons of Gora Singh gave injuries to me, Gora Singh held me from my feet, Deepu have caught hold from my head, Jagdish Singh alias Disha gave three kirch blows, the blows, which hit on my left side and one blow hit on my left arm and two on the left side of my stomach and below the under arm, when I raised hue and cry then my brother Gurmail Singh and my son Kuldeep Singh reached on the spot, seeing them Gora Singh, Deepu Singh, Jagdish Singh alias Disha and all other persons ran away from the spot along with the respective weapons, then hearing the noise people gathered there and thereafter arranged the vehicle I got admitted in the Civil Hospital, Talwandi Sabo, my son Kulwant Singh got me admitted in the hospital. The motive behind the occurrence is that they got suspicious that my grandson Ranjit Singh Allo son of Kulwant Singh is having illicit relations with the wife of Deepu Singh son of Gora Singh. That due to this reason the accused persons gave injuries to me by lying on the cot and apart from this we do not have any other dispute. I was referred from Talwandi Sabo to Bathinda and Bathinda to Faridkot Hospital for treatment. Where I am under treatment. Gora Singh, Jagdish Singh alias Disha and Deepu gave Injuries to me. Legal action may kindly be taken against them. LTI/- Babu Singh, endorsed by SD/- Gurmail Singh and testified by Sd/- Gurtej Singh ASI, PS Talwandi Sabo, District Bathinda Dated 12.08.2018."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“14 (A) *The role of the petitioner.*
The accused/petitioner Jagdish Singh alias Disha, in connivance with his co-accused persons, armed with deadly weapon 'Kirach' inflicted dangerous to life injuries upon injured/complainant with intent to murder him but the injured/complainant Babu Singh was saved from the hands of accused/petitioner Jagdish Singh alias Disha and others by timely intervention of his brother and son.’”

REASONING:

7. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 9 of the reply filed by the State, the petitioner has been in custody since 25.01.2024. Per the custody certificate dated 12.02.2025, the petitioner’s total custody in this FIR is 01 year and 17 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.
12. The petitioner shall abide by all statutory bond conditions and appear before the

concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.