



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-50516 of 2025

Reserved On: 15.09.2025
Pronounced On: 16.09.2025

Jobanpreet Singh alias Joban

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Supinder Singh Sohi, Advocate
for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General,
Punjab, for the respondent.

Mr. Lalit Singla and Ms. Varsha Sharma, Advocates
for the complainant.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 333, 115(2), 1216(2), 351(2), 351(23) and 3(5) of BNS (Sections 109, 118(1) and 332(B) of BNS were added later on), FIR No. 58 dated 04.06.2025, Police Station Khanauri, District Sangrur, has been lodged and during the course of investigation, the petitioner has been arrested. He is in custody since 10.06.2025, therefore, craving for the benefit of bail.

2. In nutshell, the facts emanating from the record are that the above mentioned FIR came into being in response to a statement of Sunil Kumar, hereinafter being referred to as 'complainant' only, who stated that he was having some issue with regard to arrears of electricity meter installed in his shop. As per above named complainant, on 02.06.2025 at about 7.00 P.M. when he was taking rest on bed inside his shop, Vivek Mathur alias

Gotu, Vishal Mathur, sons of Surinder Mathur and Joban and one unknown person armed with sticks came there, surrounded him and inflicted injuries on his person.

3. As per details given by the complainant, a stab wound was inflicted under his neck on left shoulder and another on right side under his neck by Vishal Mathur. According to complainant, he was also injured by the petitioner, and that other assailants inflicted injuries on his body with the help of sticks. It is the case of prosecution that on the basis of above mentioned complainant, formal FIR in this case was lodged and the investigation taken up. During the course of investigation, the petitioner was arrested.

4. Heard.

5. It has been contended on behalf of the petitioner that the petitioner has been falsely implicated in the present case, and that the injury, suffered by the complainant, declared to be dangerous to life has not been attributed to the petitioner. According to learned counsel for the petitioner, the petitioner has already suffered sufficient incarceration for being in custody for a period of more than three months, and that the injured has already been discharged from the hospital. It has also been contended that the investigation and trial are not likely to be completed in near future, and therefore, the petitioner is entitled for the benefit of bail.

6. Per contra, learned State counsel has controverted the above mentioned arguments. According to learned State counsel, under a common conspiracy, an attack was launched by the petitioner along with his accomplices, and that irrespective of the fact that the dangerous to life

injury has not been attributed to the petitioner, being a member of assembly having common intention to kill the complainant, the petitioner is liable to be convicted under Section 307 IPC read with Section-34 IPC. According to learned State counsel, in view of the gravity of offence, the petitioner is not entitled to benefit of bail.

7. The record has been perused carefully.

8. A careful perusal of the record shows that there are certain factors which are required to be taken into consideration while deciding the present petition:-

- i) that the complainant in this case has already recovered and has been discharged from the hospital way back in the month of June itself;
- ii) that the petitioner has already suffered sufficient incarceration for being in custody for a period of more than three months;
- iii) that the investigation in the present case is already complete, and therefore, nothing is left to be recovered from the possession of petitioner;
- iv) that the injury attributed to the petitioner is an injury caused by blunt weapon, which has not been found to be dangerous to life;
- v) that trial is not likely to be completed in near future; and
- vi) that the detention of petitioner in judicial lock-up is not likely to serve any purpose.

9. If the cumulative effect of all the aforesaid factors is taken into

consideration, it transpires that the present petition deserves to be allowed. Hence, the same is hereby allowed and the petitioner is admitted to bail subject to furnishing bail bonds to the satisfaction of the learned trial Court. In case, the learned trial Court concerned is not available, on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above-mentioned purpose, to any other Court.

10. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

September 16, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No