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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57533-2024 (O&M)
Date of Decision:- 15.01.2025

JANSHERR SINGH PADDA ALIAS JANSHERR PADDA

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. N.P.S. Mann, Advocate for the petitioner.
Mr. Rajinder Singh Bhatta, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 13.01.2025 filed in the form of an affidavit of Assistant Superintendent of Police, (City-1), District SAS Nagar (Mohali), is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
217	30.09.2024	126(2), 115(2) BNS (109 BNS added later on)	Mataur, District SAS Nagar, Mohali



4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case without there being any substance in the allegations. He contends that there is an unexplained delay of 38 days in lodging of the FIR. He further contends that there is no medical examination of the alleged victim conducted, although his mother has alleged in her statement that he was taken to the hospital and even the presence of mother of the victim, as alleged by the prosecution, is doubtful as she is not visible in the CCTV footage. He has also doubted the genuineness of the police action in adding offence under Section 109 BNS in the FIR. He submits that the petitioner is not having any criminal antecedents and is in custody since 06.10.2024, and after the completion of investigation, challan has already been presented in Court, as such, he is not required for any further investigation. Hence, prayed for grant of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report submitted by the State and on instructions from ASI Kesar Singh present in Court, has assailed these arguments by submitting that the petitioner had beaten the victim and the matter was reported late to the police because the victim belong to labour class. He has, however, admitted that the medical examination of the victim was not got conducted and after the completion of investigation, challan has been presented in Court and the prosecution has cited 14 witnesses but none has been examined till date.

6. Heard learned counsel for the parties and perused the record.

7. After considering the rival contentions and perusing the record,



it transpires that the instant FIR was registered on the statement given by one Amrik Singh Bachhal alleging that on 23.08.2024, he had found that his neighbour Jansherr Singh Padda (petitioner herein) residing in the adjoining house was mercilessly beating a five year old child near a park in front of his house and the occurrence was captured in the CCTV footage. Accordingly, the present petitioner was arrested on 06.10.2024.

8. During the course of arguments, it is not disputed that no medical examination of the victim was got conducted, which according to learned State counsel is due to the fact that the victim belong to labour class. However, this version is contradicted from the fact that the mother of the victim has given statement on 05.10.2024, that on hearing noise, she had come to the spot and taken the child to hospital. Even the presence of mother of the victim at the spot is doubtful as admittedly, she is not visible in the CCTV footage. The petitioner is not having any criminal antecedents and is in custody since 06.10.2024, and after the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 14 witnesses, but none has been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

9. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not



required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

11. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

15.01.2025
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |