

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

**CRM-M No.40319 of 2023 (O&M)
Date of Decision: 31.08.2023**

Jagjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Abdul Aziz, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
123	10.10.2021	326-A, 149, of IPC (201 IPC added lateron)	Sadar Raikot, District Ludhiana

2. Briefly stated the facts of the case are that FIR was lodged on the statement of Charan Singh, stating that on 10.10.2021 at about 04.45 AM, he was going to Gurudwara Sahib Logical Patti, Noorpura from his house, when he reached near cycle repair shop of Kamal on main GT Road Ludhiana- Raikot, then Jagjit Singh @ Pappu and Bhola were already present there. It is alleged that Jagjit Singh @ Pappu told Bhola to give a

spray on complainant's face. Although the complainant tried to flee away on his bicycle but Bhola poured acid on his back. When complainant reached near the sweet shop, he found Pritam Singh standing there, who called Kali Singh while another two unknown persons with muffled faces were already standing there and Pritam Singh exhorted them by saying that the complainant be not spared. It is alleged that the said persons were also carrying spray bottles and Pritam Singh told them to spray on complainant's face. However, the complainant managed to escape on his bicycle. Later when his son took out complainant's shirt, it was noticed that the complainant's back had sustained burn injuries and even his leg above knee had been burnt on the basis of which the present FIR (Annexure P-1) was registered.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case due to a dispute between two families pertaining to a transaction for purchase of a tractor and on account of which the entire family of the petitioner has been involved. It has been submitted that the petitioner is aged 50 years and is not attributed any overt act in the alleged occurrence except for mere alleged exhortation. He further submits that petitioner was arrested on 14.10.2021 and after investigation he was sent to jail. Challan has already been presented in Court on 14.03.2022. He submitted that despite framing of charge on 06.05.2022, no prosecution witness has been examined till date. He refers to the medico legal report dated 11.10.2021 (Annexure P-2) which clearly shows that the injuries on the person of the injured are simple in nature. He further submits that co-accused namely Pritam Singh has been

granted concession of bail vide order dated 23.12.2021 passed by this Court in ***CRM-M-53245 of 2021 titled as Pritam Singh vs. State of Punjab***. He submits that petitioner is behind bars for last 1 year 10 months and 12 days and refers to the judgment cited as ***Makhan Ram Vs. State of Punjab, Law Finder doc Id#1621984***. As such prayed for grant of bail to the petitioner.

4. On the other hand, learned State counsel has contested the bail application by vehemently arguing that the allegations stand substantiated from medical evidence inasmuch as burn injuries were found on the person of the complainant, no case for grant of bail is made out. Learned State counsel has filed custody certificate dated 22.08.2023, which is taken on record and informed that the petitioner has been behind bars since the last about 1 year 10 months and 12 days. He also admitted that no witness has been examined by prosecution till date in the trial.

5. Heard learned counsel for the parties.

6. After considering the rival contentions and perusing the record, it transpires that as per the version given by the complainant, while he was going to Gurudwara on his cycle on 10.10.2021, the present petitioner Jagjit Singh @ Pappu along with his son Bhola Singh were standing and the petitioner exhorted his son to throw acid and while the complainant tried to speed up his cycle, Bhola Singh gave acid spray on his back. As per the complainant, after some distance, Pritam Singh father of petitioner was standing and he also asked Kali son of Jagjit Singh and two other persons to spray on complainant but complainant escaped. Admittedly as per the medico legal report dated 11.10.2021 (Annexure P-2) clearly shows that the injuries on the person of complainant were simple in nature. After

completion of investigation, the challan has been presented in Court. The petitioner is in judicial custody since 14.10.2021. After framing of charge on 06.05.2022, no prosecution witness has been examined during trial till date. The petitioner is in custody since 14.10.2021 and considering the fact that till date no prosecution witness has been examined, from which it can be gathered that the trial is not likely to be concluded in near future, it is observed that no purpose would be served by keeping the petitioner, in custody any longer. Even otherwise no specific overt act has been attributed to the petitioner except for mere exhortation. The injury as aforesaid on the person of complainant is simple in nature and on non vital part of the body. The co-accused Pritam Singh has already been granted concession of bail in

CRM-M-53245 of 2021 titled as Pritam Singh vs. State of Punjab.

7. Consequently, in the light of the above, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned; 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.

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

(SANJIV BERRY)
JUDGE

31.08.2023

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