

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

229

CRM-M-1719-2025

Date of decision: 7th May, 2025

Jaskaran Singh @ Joban

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

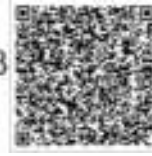
Present: Mr. Balbir Singh Jaswal, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition as filed by the petitioner seeking grant of regular bail in case bearing FIR No. 103 dated 03.05.2022 registered under Sections 302, 307, 148 and 149 of IPC (Sections 323, 324, 326 and 450 of IPC added later on) at Police Station Jandiala, District Amritsar. His previous petition bearing CRM-M-21006-2024 was dismissed as withdrawn vide order dated 03.05.2024.

2. Adumbrated facts as emanating from the record are that on 03.05.2022, complainant Kashmir Kaur recorded a statement before the police alleging therein that on the same day, at about 6:00 AM, her younger son Dharamjit Singh had gone out of the house, whereas, her husband and herself were present at home. Soon after his leaving the house, they heard his shrieks and rushed outside their house. They saw the petitioner and co-



accused while assaulting his son with *datars*. They were running after her son and assaulting him. The complainant and her husband rushed for his rescue and in the meanwhile, Dharamjit Singh had entered into the house of his uncle Joginder Singh to save himself. The petitioner along with the co-accused entered therein and struck blows upon him with *datar*. The victim had fallen down and the assailants kept on striking blows with their weapons on him. The husband of the complainant also sustained injuries at the hands of Jagroop Singh, whereas, the petitioner struck a blow with reverse side of *datar* on her right eye. They raised clamour and then the assailants fled away. Her son succumbed to his injuries at the spot itself, whereas, her husband and herself had sustained injuries. They were taken to the hospital. While alleging that the motive for the assailants was that Dharamjit Singh was having illicit relations with the wife of Jagroop Singh and feeling offended, they wanted to kill him, she prayed for taking action in the matter. The aforementioned FIR was registered on her statement. Inquest proceedings and post mortem examination of dead body was conducted. Accused Surinder Singh and Sudesh Singh were arrested on 03.05.2022. The petitioner was arrested on 16.07.2022. Presently, he along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The material witnesses have been examined in-chief. There are no chances of his intimidating the witnesses or absconding. Trial will take considerable time to conclude. No fatal injury has been attributed to him. His further incarceration would not serve any useful purpose. Accordingly, it is urged



that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Punjab, has argued that there are serious and specific allegations against the petitioner, who by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, had caused fatal injuries to victim-Dharamjit Singh and also caused serious injuries to the complainant and her husband. Her husband had sustained three grievous injuries. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Mere prolonged period of incarceration is not ground for grant of bail in heinous crime like the present one. Accordingly, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, he along with the co-accused firstly assaulted the son of the complainant and caused several injuries on his person by giving *datar* blows have also been attributed to the petitioner. They also caused injuries to the complainant and her husband. Three of these injuries have been so sustained by her husband are opined to be grievous in nature. The allegations against the petitioner are serious in nature. Trial is going on at proper pace. It is well settled law that mere long period of incarceration in jail would not be *per se* a ground for grant of bail, if the offence is serious in nature. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and



circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th May, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*