

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

CRM No.M-23234 of 2015
Date of decision: 28.08.2015

Jagroop Singh @ Noni

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mrs. Baljit Mann, Advocate with
Mr. A.P.S. Mann, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Joga Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in a complaint case No. 251-1 dated 20.06.2009 titled as Jaswant Singh Vs. Tara Singh etc., registered under Sections 302, 201, 341, 148, 149 IPC read with Section 25 and 27 of the Arms Act, pending before the Court of SDJM, Jagraon, District Ludhiana.

It is contended that it is a case of version and cross version. The deceased Jarnail Singh @ Jaily had caused injuries to the nephew of the co-accused, Tara Singh on 22.05.2009 and an FIR No. 116 dated 22.02.2009, under Sections 307, 323, 341, 506, 34 IPC and Section 25 and 54 of Arms Act had been registered to this effect. She further states that the assailants came to the house of uncle of the petitioner and started

ransacking the house. When the assailants were in the process of setting the house of the uncle of the petitioner, namely Tara Singh, he (Tara Singh) in self defense opened fire wherein, Jarnail Singh @ Jaily and Rajdev Singh @ Raja suffered injuries which resulted into their deaths. The learned counsel refers to the statement of Jaswant Singh, brother of the deceased Jarnail Singh, deceased and states that it is clear that the incident occurred in front of the house of the complainant Tara Singh, uncle of the petitioner. The assailants Kuldeep Singh son of Jarnail Singh and Jarnail Singh son of Kulwant Singh were known criminal of the area and were involved in large number of FIRs, which is clear from the list of FIRs, produced by learned counsel in Court. The same is taken on record as Mark 'A'. The learned counsel further submits that initially on the statement made by the brother of the deceased Jaswant Singh, DDR No. 37 dated 02.06.2009 was registered which culminated into cancellation as is made out from Annexure P-6, wherein it has been specifically reflected that Tara Singh had fired shots with his licensed rifle for his protection as well as his family members in order to make the accused ran away from the spot and due to the sudden appearance of accused Jarnail Singh @ Jaily and Rajdev Singh @ Raja, they suffered grievous shot injuries resulting into their deaths. Subsequently, the present complaint was filed. The investigation is complete. The petitioner is in custody since 18.01.2014. Even as per the prosecution, the petitioner was neither carrying any weapon nor had caused any injury to the deceased.

On the other hand, the learned State counsel vehemently

opposes the bail application and states that the petitioner was very much present on the spot. He along with his co-accused dragged the deceased inside the house of his uncle Tara Singh. The challan stands presented and the charges have been framed against the petitioner. Therefore, she states that the bail application deserves to be dismissed.

I have heard learned counsel for the parties and perused the record.

The petitioner is in custody since 18.01.2014. The challan stands presented.

Keeping in view the history of animosity between the parties and the fact that the version rendered by the complainant was disbelieved by the investigating agency and the fact that the petitioner was not carrying any weapon and allegedly had not given any injury and the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

28.08.2015

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(JITENDRA CHAUHAN)
JUDGE