

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

**Crl. Misc. No.M-42772 of 2017 (O&M)
Date of Decision: November 21, 2017.**

Jagsir Singh @ Jagga

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Sidhu, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 224 dated 13.08.2016 registered for the offences punishable under Sections 302, 120-B read with Section 34 of Indian Penal Code and 25/27 of Arms Act, at Police Station Kalanwali, District Sirsa.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

FIR in this case was registered on the statement of Janta Singh,

whose son Gurjit Singh was murdered on 13.08.2016. As per the

allegations in the FIR, Gurjit Singh had a quarrel with Mindi resident of village Behman Kaur Singh Wala, 3-4 days after the incident, four persons came in a vehicle to the house of complainant and on seeing them, his son Gurjit Singh jumped the wall of the house and ran away. Those persons hurled abuses and left the place after pointing a pistol. Gurjit Singh apprised the complainant that out of those four persons, one was Jagga Singh (petitioner) and another was Mindi Singh. On 13.08.2016, Gurjit Singh was taken by Binder Singh son of Lakhvir Singh on his motorcycle and information was conveyed to the complainant at about 4.00 p.m. that his son has been murdered by Mindi Singh and Vilayati Singh.

Learned counsel for the petitioner submits that prosecution has examined complainant as PW6 and his wife Angrej Kaur as PW9 and both have not supported the prosecution case or have named the petitioner. They have not even stated that four days after the quarrel of Gurjit Singh with Mindi, the petitioner had come to their house. Other two witnesses examined by the prosecution namely Surjit Singh and Gurmeet Singh have also not supported the prosecution version. Even otherwise, the entire allegations are against Mindi Singh, Vilayati Singh and Binder Singh. The version of the prosecution is that the petitioner was one of the conspirator, however, no evidence in this regard has been produced.

Learned State counsel submits that material witnesses examined by the prosecution have not supported the prosecution version so far as the case of petitioner is concerned. The case against the petitioner is based on circumstantial evidence. The allegation against him is that he had come to the house of complainant along with other persons after four days

of the quarrel of Gurjit Singh with Mindi. The pistols recovered from the petitioner were sent to the Forensic Science Laboratory and report has been received, as per which, both the pistols were not in working condition.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Jagsir Singh @ Jagga is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

November 21, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***