

205

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

CRM-M No. 6837 of 2020
Date of Decision: 23.11.2020

Jagat Singh @ Pappu

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Atul Lakhanpal, Sr. Advocate, with
Mr. Rajwant Chahal, Advocate,
for the petitioner.

Mr. Munish Bansal, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.122 dated 30.10.2018 under Sections 302, 326, 323, 506, 148, 149, 120-B IPC and under Section 27-54 and 30-54 of Arms Act at Police Station Bapoli, District Panipat.

As per prosecution case, FIR was registered on the statement of Devi Singh with the allegations that on 29.10.2018, at about 4/5 PM, an altercation had taken place between Ram Mehar and Nirmala over quarrel of children. The matter was

resolved, but Pardeep son of Ram Mehar called his family members including the petitioner, his sons and others. They came duly armed with weapons and inflicted injuries to the complainant party in which Mohit fired a gun shot in the stomach of Savitri. Petitioner fired from his revolver on the right hand of Ajay and also fired at Sonu. Mohit also fired at Satbir in his stomach and right hand. Sewa Ram also received gun shot injuries while saving himself. Anoop gave lathi blow on the head of complainant. Karamvir also gave lathi blow on arms and shoulder and also inflicted injuries to other family members of the complainant.

Learned senior counsel for the petitioner submitted that the petitioner party had also received serious injuries for which a complaint was made to the police, but the police only recorded DDR and no action was taken thereafter.

A criminal complaint titled 'Pardeep vs Ajay and others' under Sections 148, 149, 307, 452, 506 IPC is pending in the court of Judicial Magistrate Ist Class, Samalkha at the instance of the petitioner party in which seven persons were injured. The said complaint is pending at the initial stage of summoning of the accused.

Learned senior counsel for the petitioner further submitted that according to medical report of Ajay and Sonu, the

injuries are found to be simple in nature. Licensed revolver of the petitioner has been recovered by the police.

Co-accused namely Bijender @ Meenu and Anoop have been granted regular bail by this Court in CRM-M No.35520 of 2019 vide order dated 10.01.2020.

Sandeep and Pardeep have been granted regular bail by the Additional Sessions Judge, Panipat vide order dated 22.01.2020. Similarly, co-accused Karamvir has been granted regular bail by the court of Additional Sessions Judge, Panipat.

Learned senior counsel for the petitioner referred to the medical state of health of the petitioner. The petitioner was granted interim bail by Additional Sessions Judge, Panipat vide order dated 16.09.2020 upto 16.11.2020. The medical condition of the petitioner has been described in para no.5 of the said order which reads as under:-

“As per the report of the police, the applicant was suffering from CAD C Lumber Spondylitis and is under OPD management of Hydrabadi Hospital. As per report of medical officer, District Prison Panipat dated 10.09.2020, the applicant was referred to PGIMS Rohtak for Cardiology opinion. He was advised for investigation for RFT, ECG and

Echo Cardiography and diagnosed with CON LVH, LVEF 70% of grade-1 LVDD and advised for Coronary Angiography. Aforesaid test were not available in PGIMS Rohtak on 10.02.2020. Patient/applicant is continuing taking treatment for Cardiology at PGIMS Rohtak as patient is having cardiac emergency and required continuous follow-up. From the afore-said, it is apparent that applicant is suffering from several diseases including heart disease and back pain etc. Earlier his treatment was continuing from PGIMS Rohtak which got discontinued due to spread of Covid-19. The said treatment was resumed. However, in report dated 10.09.2020, the medical officer, District Prison Panipat has opined that it is not easy to manage cardiac patient at Jail Hospital and it is also not possible to sent the accused-appellant at PGIMS Rohtak on regular follow-ups. In such circumstances, the applicant is entitled for interim bail for seeking treatment from private hospital. Earlier also, he was granted concession of interim bail and he had not misused the same. His earlier

application for interim bail was dismissed by the court of undersigned observing that his treatment could be continued in jail. However, in light of the report of Medical Officer dated 10.09.2020, it prima facie emerges that the said treatment is not possible in Panipat Jail.”

Now, the petitioner has surrendered and is in custody.

Learned senior counsel for the petitioner also referred to para no.3 and 4 of the status report submitted by way of affidavit of Pardeep Singh, HPS, Deputy Superintendent of Police, Samalkha, District Panipat. In para no.3, disclosure statement of the petitioner dated 09.11.2018 has been reproduced to the following effect:-

“On 29/10/2018 I was present at my home. I was informed by my familiar grandson Sandeep S/o Karambir at about 05:00 P.M. that the family of Satbir S/o Ramdhari raised quarrel and inflicted injuries to our family. On information, I loaded and taken my licensee revolver, and reached in front of house of Karambir in street, in my Bareza vehicle No.HR-60H-3034, at where Satbir and his other family members brothers-nephews were present there

with Lathi, Jeily and Dandas. As I alighted from my Car, family of Satbir attacked with Lalkara upon me. Ajay S/o Devi and Deepal S/o Raspal inflicted injuries with Lathi and Jeily on my head and other parts of body. I fired a shot in air to save my life, and then I fell on road. Thereafter I again fired in air to save myself. My revolver fell down there during manhandling. On seeing, my son Mohit with my licensee gun directly shoot with the intention to kill towards the family members of Satbir, one shoot of which hit to Savitri W/o Satbir, and second fire shoot on the right hand of Satbir, and then all the persons get away from spot. The persons present at the spot taken-care me, and the family members of Satbir had already inflicted grievous injuries to the family members of Karambir and Pardeep. Thereafter the neighbourer Rinku etc. taken me and Pardeep in my Bareza Car and admitted us for treatment in Hospital. I can demarcate the spot, where I had fired with my licensee revolver. My Bareza car used in the crime is parked at Ayusman Hospital and my Arms

licence and RC of vehicle are lying in dashboard of my above said car, which I can recover by accompanying.”

In para no.4 of the aforesaid status report, it has been shown that the petitioner was actively involved in the offence as per statements of Satbir, Sewa Ram and Sunil under Section 161 Cr.P.C, wherein it has been ascertained that “open air fire” done by the petitioner hit right hand of Ajay and the pallets hit on left leg of Sewa Ram and also to Sunil @ Sonu.

Learned senior counsel for the petitioner further contended that the petitioner is in custody since 09.11.2018. Only two prosecution witnesses have been examined out of total 33 prosecution witnesses and due to situation arising out of pandemic COVID-19, trial of the case shall take long time to culminate.

Per contra, learned State counsel by referring to the aforesaid status report contended that the petitioner inflicted gun shot injuries to Ajay and Sonu and Sewa Ram also received pallet injuries. Learned State counsel admitted that petitioner is in custody since 09.11.2018 and interim bail was also granted to him on medical ground.

As per medico-legal report of Ajay and Sonu, simple injuries were found on their persons. Sewa Ram received some

pallet injuries.

It would be debatable as to whether a shot by revolver would result in pallet injuries to Sewa Ram. Only 02 prosecution witnesses have been examined so far. Further evidence has come to stand still due to the situation arising out of pandemic COVID-19.

Taking into consideration the medical status of the petitioner, his custody since 09.11.2018, stage of the trial and the situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

23.11.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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