

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

213

CRM-M-21430-2020
Date of decision: 29.10.2020

Jagmeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Manbir Singh Batth, Advocate
for the petitioner.

Mr. H.S. Multani, Asstt. AG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.0060 dated 09.09.2019 registered at Police Station Arif Ke, District Ferozepur under Sections 307, 336, 148 and 149 of the Indian Penal Code, 1860 (for short, "the IPC") and Sections 25, 27, 54 and 59 of the Arms Act, 1959 to which Section 302 of the IPC was added lateron.

The above said FIR was registered on statement of Nishan Singh. In his statement, Nishan Singh alleged that on 07.08.2019 when he along with his sons Nirvair Singh and Gurjant Singh was returning to his house, accused Jaspal Singh armed with 315 bore rifle, Ranjit Singh armed with pistol, Tejinder Singh armed with dang, Lovepreet Singh armed with 12 bore gun, Thaman Singh armed with dang, Ukar

Singh armed with 315 bore rifle, Jagmeet Singh (the petitioner) armed with kirpan and Jaswinder Singh armed with dang were standing in front of the house of Jaspal Singh along with some unidentified boys. Accused Tejinder Singh raised lalkara to teach them a lesson whereupon accused Jaspal Singh fired shot with intention to commit his murder which hit him in the abdomen and left arm. Thereafter, accused Ranjit Singh and Ukar Singh fired shots in the air. Accused Jaswinder Singh and Jagmeet Singh (the petitioner) kept on raising lalkaras. Section 302 of the IPC was added to the FIR on death of Nishan Singh. The police investigated the case and on completion of investigation filed charge-sheet against nine persons including the petitioner.

The petitioner, being in custody since 05.12.2019, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of short reply filed by way of affidavit of Barinder Singh, PPS, Deputy Superintendent of Police, District Ferozepur.

Learned State counsel has also filed custody certificate of the petitioner through e-mail print out of which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. As per the allegations made in the FIR the petitioner was armed with kirpan and he merely raised lalkara. The petitioner is not alleged to have caused any injury to the deceased or any of his sons. The petitioner is in custody since 05.12.2019 and no useful purpose will be served by further

detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

Learned State counsel has vehemently opposed the petition and submitted that in view of nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation, role attributed to the petitioner who is alleged to have merely raised lalkara and is not alleged to have caused any injury to the deceased or his sons and no other overt-act is attributed to him and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without meaning to comment on the merits of the case as the same may prejudice either of the parties, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.10.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No