

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

107

**CRM-M-23962-2020
Date of decision: 10.09.2020**

Jagtar Singh @ Jagga Singh @ Jagga

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Harbir Sandhu, Asstt. A.G. Punjab
for the respondent-State.

Mr. Navkiran Singh, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present (second) 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.33 dated 20.04.2017 registered under Sections 302, 307, 427, and 148 read with Section 149 of the Indian Penal Code, 1860, Sections 25 and 27 of the Arms Act, 1959 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Jhunir, District Mansa.

First petition filed by the petitioner for grant of regular bail was dismissed as withdrawn by the Coordinate Bench of this Court vide order dated 14.05.2019.

The above said FIR was registered on statement of Prem

Singh, Ex-Sarpanch who alleged that about 5-6 days prior to the occurrence accused Sewak Singh asked him to leave the contract of solar plant and asked him to come to the shop of Balwant Singh. When he went there accused Sewak Singh who was accompanied by 5-6 other persons asked him to give in writing and took out his pistol on which he came back. On 19.04.2017 at about 9:00 p.m. When he, his brother Tarsem Singh and his son Sukhwinder Singh were returning from the solar plant and were about to get into their Indica car, three cars Swift, Bolero and Xylo came and Swift car hit their Indica car. Sewak Singh, Binder Singh, Jagga Singh (petitioner) and Satnam Singh armed with pistols, Jagga Singh armed with .12 bore gun, Aman Sandhu, Sarabjit Singh, Amana Singh and Balwant Singh armed with iron rod and Deep Sandhu armed with water pump handle, Aman Verma, Gural Singh and Jio Sim Wala armed with stick along with 5-6 unidentified persons alighted from the above-said vehicles. Accused Sewak Singh fired a shot from the pistol towards his son which hit him on his chest who fell down on the ground. Jagga Singh fired shot with .12 bore gun which hit him (Prem Singh) on his left arm and on the right side of the head. Jagga Singh (petitioner), Binder Singh and Satnam Singh fired shots towards them. All the accused damaged their car with rod and sticks. All the shots fired by the accused persons from their weapons also hit their Swift car. When they raised alarm, the assailants fled from the spot in their vehicles. Sukhwinder Singh died on the way to the hospital.

Pursuant to registration of the FIR, police investigated the case and on completion of investigation filed charge-sheet against six

persons including the petitioner.

The petitioner, who is in custody since 09.05.2017, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Sh. Sanjeev Goyal, PPS, Deputy Superintendent of Police, Sub-Division Sardulgarh, District Mansa in the Registry which is taken on record.

Custody certificate has also been filed by learned State Counsel through e-mail print out of which is also taken on record.

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

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. As per the allegations made in the FIR, the petitioner was armed with pistol and fired shots but the shots fired by him allegedly hit the car and no injury was caused by him to anyone. The cross case regarding the same occurrence was registered against the complainant party on statement of Gurpal Singh. After recording statement of the complainant, the case is pending for hearing on application filed under Section 319 of the Cr.P.C. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have argued that the petitioner was armed with pistol and fired shots on the complainant party and actively

participated in commission of murder of Sukhwinder Singh and causing of injuries to others. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation, role attributed to the petitioner and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Therefore, 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.

10.09.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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