

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36335-2019
Date of decision-14.01.2020

Jagroop Singh @ Jupa @ SunnyPetitioner
Vs.

State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kailash Chander, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Ms. Satwant Mehta, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner-Jagroop Singh @ Jupa @ Sunny has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.38 dated 18.03.2018 registered under Sections 302 and 341 read with Section 34 of Indian Penal Code, 1860 and Sections 27 and 54 of Arms Act, 1959 at Police Station Bhikiwind, District Tarn Taran, Punjab. The petitioner is in custody since his arrest on 18.03.2018.

The FIR was registered on the statement of Balbir Kaur wife of Jarnail Singh wherein it was alleged that on 18.03.2018, complainant along with her son, namely, Jaspal Singh were going on motorcycle to the house of Gurdev Singh, Sarpanch to solve the dispute which took place between Jagroop Singh and complainant's son. When they reached near the house of Jagroop Singh (petitioner), there, Surinder Singh, Pargat Singh, Kuldeep

Singh, and others alongwith petitioner were standing outside the gate and they stopped the motorcycle. Jagroop Singh started abusing the complainant's son, in the meantime, Kuldeep Singh armed with pistol came there and lalkara was exhorted by Harchand Singh and Kuldeep Singh fired shot on complainant's son who instantly fell on road. In the meantime, Gurdev Singh Ex.Sarpach also arrived at the spot. On raising noise, all assailants fled away from the spot.

Learned counsel for the petitioner contends that the victim, Jaspal Singh had died of one gunshot injury which is attributed to co-accused, Kuldeep Singh. According to him, weapon used in the crime is owned by the said accused and after completion of investigation, the said accused was declared innocent. Learned counsel for the petitioner contends that cognizance against Kuldeep Singh was taken by the trial Court under Section 193 Cr.P.C at the stage of consideration of the final report filed on 15.06.2018. He further contends that the charges against the petitioner were framed on 03.06.2019 and till date no witness has been examined. He submits that though the motive is attributed to the petitioner, however, the main accused, Kuldeep Singh and his co-accused-Bikker Singh have been declared as proclaimed offenders. According to him, considering the custody, further detention of the petitioner may not be justified.

On the other hand, learned State counsel assisted by ASI Dalbir Singh has opposed the prayer on the ground that the offence is serious. According to him, land of the petitioner is situated adjacent to the land of the victim and the motive is also attributed to the petitioner who had a dispute

with Jaspal Singh regarding playing loud obscene music.

Learned counsel for the complainant also opposed the prayer on the ground that the complainant who is a widowed mother of the victim is yet to be examined. She has submitted that the accused who are at large have been extending threats to the complainant who is an eye-witness of the occurrence. However, she fairly states that no complaint was made by her to the trial Court regarding providing protection to the said eye witness.

After hearing learned counsel for the parties, this Court finds that the charges were framed against the petitioner on 03.06.2019 and no witness has been examined by prosecution till date. Even, the co-accused of the petitioner are yet to be arrested therefore, trial of the case is likely to consume considerable time. This Court does not find any valid reason to further detain the petitioner behind the bars. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

14.01.2020

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No