

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

CRM-M-9362-2021 (O&M)

Date of Decision: 12.07.2021

Jujhar Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: - Mr. Bikramjit Singh Baath, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL. J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

This is petitioner's second petition seeking bail pending trial in FIR No.0029, dated 07.04.2019 under Sections 302/307/148/149/325/323 IPC, registered at Police Station Qadian, District Batala.

First petition filed by the petitioner was dismissed as withdrawn on 29.7.2020. It is submitted that certain material witnesses have since been examined.

As per allegations in the FIR, which was registered on the basis

of statement of Inderjit Singh, the complainant and others were attacked by the persons named in the FIR. Mittarpal Singh is accused of giving a baseball blow on the head of Navdeep Singh (deceased). Co-accused Anoop Singh is also attributed with a baseball blow on the head of Navdeep Singh. Present petitioner, as per averments in the FIR, is stated to have come in his Bolero jeep and run it over the injured persons, namely Navdeep Singh, Gurpreet Singh, Jobanpreet Singh and Bhupinder Singh, who are stated to be lying fallen on the ground, due to injuries suffered by them.

Learned counsel for the petitioner vehemently argues that allegations qua the petitioner are not substantiated by the evidence on record and are *per se* incorrect. Reference is made to the postmortem report of Navdeep Singh wherein one injury over occipital/parietal region is mentioned and multiple fractures over the occipital/parietal region are seen. It is further submitted that neither are there any tyre marks which would substantiate allegations against the petitioner nor there is any injury to show that the present petitioner ran over his jeep over the deceased or any of the other injured persons. Reference is also made to testimonies of PW6 Inderjit Singh, complainant as well as PW7 Bhupinder Singh, an injured witness. Learned counsel for the petitioner further submits that a bare perusal of said testimonies as well as medical evidence on record reflects that petitioner cannot be held responsible for the murder of Navdeep Singh in any manner. Injuries stated to have been caused to Gurpreet Singh, Jobanpreet Singh and Bhupinder Singh by running over of the jeep are also not substantiated by the evidence on record. Otherwise also, injuries suffered by these three injured are stated to be simple in nature. Petitioner, it is submitted, has been in custody

for over two years and there is no headway in the trial. The petitioner undertakes to face trial and not misuse the concession of bail, if afforded to him. Learned counsel for the petitioner submits that co-accused Kirpal Singh, Shishpal Singh and Anoop Singh have been afforded concession of bail pending trial. It is thus prayed that this petition be allowed.

Heard.

Learned counsel for the State is unable to deny the medical evidence on record as well as testimonies of PW6 and PW7. Admittedly, there are no tyre marks or crush injuries on the person of deceased or the other injured persons. Injuries on the head of the deceased are attributed to co-accused Mitterpal Singh and Anoop Singh. Learned counsel for the State, on instructions from ASI Tejinder Singh, verifies that the petitioner has been in custody for about two years and three months and he is not involved in any other criminal case. Nine of the thirty one prosecution witnesses have been examined as yet.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the present facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial

subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

12.07.2021

Vivek

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

(LISA GILL)
JUDGE