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

CRM-M No.9367 of 2021

Date of Decision: 26.02.2021

Jagtar Singh

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sagar Aggarwal, Advocate,
for the petitioner.

Mr. Anant Kataria, 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.343 dated 1.8.2019
registered under Sections 148, 149, 323, 324, 325, 307, 506,
427, 201, 120-B IPC and under Sections 25, 27 of Arms Act at
Police Station Thanesar, District Kurukshetra.

Allegations are that on 31.07.2019, at about 5 PM, complainant Parveen Kumar, Paras @ Billa and Harvinder Singh @ Hari had gone to meet his acquaintance namely Harvinder Singh son of Krishan Lal at his village Kolapur in the car belonging to Paras. When they reached at the house of aforesaid Harvinder Singh, they found Harnek Singh present there. They had tea at the house of Harvinder Singh. In the meanwhile, Gulla had come there and on seeing the complainant party, he went back. At about 9 PM, complainant, Harvinder Singh @ Hari and Paras started from the house of Harvinder Singh son of Krishan Lal for Kurukshetra in the car of Paras. Paras was driving the car. The complainant was sitting on the front seat and Harvinder Singh was sitting on the rear seat behind Paras. Harnek Singh stayed back in the house of Harvinder Singh son of Krishan Lal. When the car reached near Bus Stand of Kolapur, then a silver coloured Ritz car was found standing at the bus stop. The occupants of the Ritz car opened firing upon the car of the complainant and the bullet struck the

rear glass of the car. Thereafter, one white colour Fortuner car started following the car of the complainant. The complainant telephonically informed Harnek Singh about the same. When they reached near Dharamshala, then the Fortuner car forcibly struck the car of the complainant from behind, resulting in derailment of the car of the complainant and the same went in sugarcane and turned turtle. Number of vehicles came to be stopped there and 20-25 persons duly armed with deadly weapons got down. Petitioner was one of them. Out of the aforesaid persons, Satbir and Deepak fired 4-5 rounds of shot from their weapons with an intention to kill the complainant party. One of the shot struck on the left rear window of the car. The assailants caused injuries with other weapons on the head, waist and hand of the complainant. Paras and Harvinder Singh ran away in the sugarcane field.

Learned counsel for the petitioner submits that no fire arm injury was received by the complainant or his companions. Only two injuries were suffered by the complainant. No injury

was suffered by Paras and Harvinder Singh. It is a case of no injury by gun shots.

During investigation, offence under Section 307 IPC was deleted by DSP, Kurukshetra. Co-accused Satbir, Surender, Amandeep, Amit, Krishan etc. were arrested and were released on bail by Judicial Magistrate Ist Class, Kurukshetra. Thereafter, police again added offence under Section 307 IPC and 25 of Arms Act and also sought permission of the Court for such addition by moving an application dated 24.11.2019 for arrest of the accused persons. The application was allowed on 02.12.2019 and thereafter, co-accused were arrested.

Co-accused Amandeep @ Deepa has been granted regular bail by the High Court vide order dated 15.09.2020 passed in CRM-M No.27538 of 2020. Co-accused Pardeep Kumar Nain @ Sonu has also been granted regular bail by the High Court vide order dated 17.09.2020 passed in CRM-M No.27251 of 2020 after noticing the aforesaid facts.

No specific injury is attributed to the petitioner except his presence.

On the other hand, learned State counsel opposed the bail on the ground that petitioner was member of unlawful assembly and had participated in the occurrence. Petitioner was named in the FIR, but no recovery has been effected from the petitioner.

Challan has already been presented, but charges have not been framed so far. Trial of the case may take some time in its final culmination.

Keeping in view the aforesaid facts and circumstances of the case and also by not meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

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

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

February 26, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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