

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-23240 of 2020

Date of Decision: 23.02.2021

Jujhar Singh alias Vicky Dhagga

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, A.A.G., Punjab.

Mr. K.S. Bal, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.123 dated 04.08.2018 under Sections 307, 323, 324, 148, 149 IPC and Sections 25 and 27 Arms Act registered at Police Station Islamabad, District Police Commissionerate Amritsar.

The aforesaid FIR was registered on the statement of complainant Dharminder Singh alias Hello, with the allegations that on 04.08.2018 at about 2-30 PM, when the complainant along with his friends Ranjit Singh @ Golu and Gaurav Sharma had gone to see the Mela of Guga Peer near their village, suddenly, Sagar armed with *dattar*, Vicky

Dhagga armed with *Dattar*, Arjan armed with *kirpan*, Kaka alias Pepsi armed with *kirpan*, Mani armed with baseball, Atul, Photographer, armed with baseball bat, Toni armed with *dattar* along with 6-7 unknown persons, who were having double barrel gun and one unknown person, who was having pistol, came in front of them and encircled them. On the asking of Vicky Dhagga, all the assailants attacked them with weapons and thereafter, they scuffled with them. Vicky Dhagga hit them with bullet injury, whereas one Sikh person first fired in air and then, he fired straight at them with his with his .12 bore double barrel gun with an intention to kill them. This fire hit on the chest of Gaurav Sharma and it also hit Ranjit Kumar alias Golu on the right side near his eye. One pallet was hit on his head. Then all the assailants including one Sagar gave a *dattar* blow upon the head of the complainant and as a result thereof, blood oozed out and he fell down. After injuring all the three of them with bullets and other weapons, the assailants ran away from the spot along with their weapons. Thus, the present FIR.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner is in custody since 04.01.2019, at the most, the allegation against the petitioner is that he gave *lalkara*, but he has not caused any injury to deceased Ranjit Kumar. The said injury has been inflicted by co-accused Happy. He has further submitted that as against the total 49 prosecution witnesses, no witness has been examined so far.

Learned counsel for the complainant has opposed the bail application on the premises that it is the petitioner who was responsible for causing death of deceased. The petitioner had given *lalkara* to attack the

complainant and his friends and thereby, gun shots were fired at deceased Ranjit Singh and other persons. The complainant has not been examined in the case. In case the petitioner is admitted on bail, he may influence other witnesses. Moreover, the petitioner has a criminal background.

Learned State counsel does not dispute the custody of the petitioner and the stage of the trial.

I have heard learned counsel for the parties.

Admittedly, the present case was registered on the statement of Dharminder Singh. The allegation of giving gun shot injury is on co-accused Happy. At the most, the allegation against the petitioner is that he gave *lalkara*, asking the other co-accused to fire at Ranjit Singh and as a result thereof, he succumbed to the injuries. No other specific injury has been attributed to the petitioner. Considering the fact that the petitioner is in custody since 04.01.2019 and as against the total 49 witnesses cited by the prosecution, not even a single witness has been examined in the case so far and thus, trial in the case is not likely to be concluded in near future, this Court deems it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as expression of any opinion on the merits of the case.

Needless to say that the petitioner shall not influence any witness or cause delay in smooth trial of the case, in any manner. In case

the petitioner is found interfering in smooth trial of the case, the prosecution shall be at liberty to seek cancellation of his bail.

February 23, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No