

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-856-2022 (O&M)
Date of decision: 02.05.2022

Jagvir Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.B.S. Dhillon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. I.S. Dhaliwal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.69 dated 24.08.2021 under Sections 307, 324, 323, 34 IPC and Section 27/54/59 of Arms Act (Sections 326, 34 IPC were added subsequently), registered at Police Station Sadar Abohar, District Fazilka.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Jagmandeep Singh @ Minku, ex-Sarpanch of Village Kundal, his wife Rajwinder Kaur is present Sarpanch and when he

and Jagsir Singh were going to Abohar City on a motorcycle, an Innova Car bearing registration No.HR-24-4525 hit the motorcycle and they fell down. When he got up and saw that Jagvir Singh armed with 32 bore revolver, Dharampreet Singh @ Bobby armed with kappa, Rupinder Singh armed with kirpan, Rimpay armed with kappa and Khandvir Singh @ Jagsir Singh armed with 12 bore gun, got down from the car and Jagvir Singh, with an intention to kill him, fired on him with his revolver. He fired four shots, which hit Jagsir Singh in his stomach. When he tried to move, Dharampreet Singh @ Bobby gave a kappa blow, which hit on his forehead, Rupinder Singh gave kirpan blow and when he raised his right hand for self-defence, kirpan hit on his right elbow. Thereafter, Rimpay gave a kappa blow and when he raised his left hand for self-defence, kappa hit on his elbow. When he fell down, Dharampreet Singh also gave a kappa blow, which hit on his left leg. Khanveer Singh @ Jagsir Singh fired from his 12 bore gun, which hit on his left leg. When he raised voice, one Surinder Singh came at the spot and took him and Jagsir Singh to Civil Hospital, Abohar.

Learned counsel further submits that as per MLR of Jagsir Singh, he suffered 06 injuries, which read as under: -

“-Punctured wound 1x1 cm just below umbilical 1 cm right to middle.

- 1x1 cm sutured wound in right iliac fossa, midway between pubic bone & ASIS

- 1.5x1 cm superficial laceration in right groin below inguinal

ligament.

- Left below arm and forearm and 10 cm superficial abrasion with puncture bleeding.

- 1x1 cm superficial suturing wound in right upper thigh lateral aspect.

- Left leg small superficial lacerated wound 0.5x0.5 cm 12 cm above ankle in anterior aspect.”

Learned counsel also submits that complainant Jagmandeep Singh @ Minku also suffered four injuries, which read as under: -

“1. Incised wound of near 8cm x 2 cm on frontal region of scalp on right side. Advice CT scan head.

2. Punctured wound of around 2x2 cm on lower leg shin above ankle left side. Advice X ray lower leg ortho opinion.

3. Punctured wound of 0.5 cm on right forearm below elbow joint. Advice X ray forearm.

4. Lacerated wound of 2cm x 0.5 cm on left forearm below elbow joint.”

It is further submitted that though it is case of prosecution that someone has recorded a video of the incident, however, the petitioner is not visible in the video and number of vehicles are also not visible.

Learned State counsel, on instructions from ASI Jaswinder Singh, again on seeing the video footage, submits that the petitioner is not visible in the same and even the video is not part of the investigation, as the person, who

made the same, has not come forward to record his statement.

Learned State counsel has filed the custody certificate in the Court today, which reflects that the petitioner is in custody for the last 08 months; investigation is complete; charges have been framed and the case is now fixed for recording the prosecution evidence and out of total 18 prosecution witnesses, none has been examined so far.

Learned counsel for the complainant has, however, opposed the prayer for bail on the ground that on account of political rivalry in the village, the petitioner and other accused have caused injuries, which are reported as firearm injuries. It is submitted that the complainant has even filed a protection petition before this Court, in which notice of motion has been issued.

In reply, learned counsel for the petitioner has submitted that complainant-victim Jagmandeep Singh @ Minku, ex-Sarpanch is involved in two FIRs under different Sections of IPC and is facing trial and at one point of time, when the petitioner and others have stopped him from doing illegal activities, he nominated the petitioner in the present false case by causing self-inflicted injuries.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is first offender; he is in custody for the last 08 months; charges have been framed and out of total 18 prosecution witnesses, none has been examined, therefore, it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his

bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

It will be open for the complainant to move an application for cancellation of bail, in case the petitioner is found misusing the concession of regular bail.

[ARVIND SINGH SANGWAN]
JUDGE

02.05.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No