

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CRM-M-25917-2022(O&M)  
Date of decision : 02.08.2022

Jugti Ram

... Petitioner

Versus

The State of Haryana

... Respondent

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr.Baltej Singh Sidhu, Senior Advocate with  
Mr.Chandan Singh, Advocate;  
Mr. Divij Dutt, Advocate; &  
Mr.Mohabbat Sandhu, Advocate  
for the petitioner.

Mr. Dhruv Shah, AAG, Haryana.

Mr. Rahul Deswal, Advocate  
for the complainant.

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**VIKAS BAHL, J.(ORAL)**

**CRM-22624-2022**

This is an applicatoin under Section 482 Cr.P.C. for placing on  
record Annexure P/4, i.e. medical record of the petitioner.

Application is allowed. Annexure P/4 is taken on record subject  
to all just exceptions.

**CRM-M-25917-2022**

This is a first petition under Section 439 Cr.P.C. for grant of  
regular bail to the petitioner in FIR no.0592 dated 23.11.2021 registered  
under Sections 302, 307, 120-B, 34 IPC and Section 25 of the Arms Act

Sections 25 & 27 of the Arms Act 1959) at Police Station Jind City, District Jind.

Learned senior counsel for the petitioner has submitted that the petitioner is a 74 year old man, who has been in custody since 09.12.2021 and there are 60 witnesses and none of them have been examined and thus, the trial is likely to take time. It is further submitted that in the present case as per the FIR, three young unknown persons had fired upon the deceased Shyam Sunder and the complainant-injured Hunny Bansal. It is also submitted that even as per the prosecution case, the petitioner was not present at the spot and no injury has been attributed to the present petitioner. It is stated that the petitioner has been sought to be implicated in the present FIR merely on the basis of suspicion and it has been stated in the FIR that the main plotter is co-accused Gaurav and apart from him, the present petitioner, Ashok, Ajay, Sandeep and Kuldeep 'may' also be involved in the case. It is argued that a large number of persons are sought to be implicated in the present FIR in addition to the persons, who had been alleged to have actually caused injuries to the deceased and the complainant. It is further argued that there is no tangible evidence to link the present petitioner with the occurrence, nor there is any legally admissible evidence to show that the present petitioner was a conspirator. No recovery has been effected from the present petitioner. It is stated that the case of the prosecution to the effect that the petitioner, along with other accused had caused injury to Purshotam, father of injured Hunny Bansal regarding which FIR no.269 dated 18.04.2016 under Sections 307, 120-B, 216, 34 IPC and Sections 25, 54, 59 of the Arms Act, 1959 had been registered at Police Station City Jind, would also not further the case of the

prosecution inasmuch as, the present petitioner has been acquitted in the said case vide judgment dated 29.04.2022 passed by the Additional Sessions Judge, Jind. It is also stated that the petitioner, being an old man, is sought to be implicated only to cast wide net.

Learned State counsel as well as learned counsel for the complainant have opposed the present petition for regular bail and have submitted that in the FIR, the complainant party had very honestly stated that they had suspicion with respect to the involvement of the present petitioner and the other persons in the present case and during the course of investigation, that the statement of co-accused Dharmender had been recorded, who had stated that Baljeet and Roshan, sons of Jugti Ram (petitioner), Sanjay alias Batkh, Vijyant, Gaurav and the petitioner had mounted pressure on Shyam Sunder and his family members to not give evidence against them in FIR no.269 and said Shyam Sunder had however given evidence against them and further Shyam Sunder and his family used to apply for tender and was pitted against Gaurav continuously and due to this, the said co-accused Dharmender, along with other persons, had suffered loss and were defamed and due to this grudge, Dharmender, Baljit and Roshan and the present petitioner along with Sanjay @ Batkh, Gaurav contractor had planned to murder Shyam Sunder and Hunny. It is further stated by the said Dharmender that on 10.11.2021 the said Dharmender had appeared in the Court to face trial in the said case and again the said persons, including the petitioner, had talked to each other regarding the commission of murder of Shyam Sunder. It is stated that even the disclosure statement of the present petitioner has been recorded on the said aspect. It is also submitted that after FIR no.269 was registered, in which the petitioner

was one of the accused, another FIR no.792 dated 06.09.2016 under Sections 506, 34 IPC Police Station Jind City, District Jind was also registered in which the present petitioner was one of the accused. It is submitted that in case this Court is inclined to grant bail in the present case, then the petitioner should be restrained from going to the street where the complainant resides, namely Chaurhi Gali, Subhash Nagar, Rohtak Road, Jind. Learned counsel for the complainant has further submitted that against the judgment of acquittal in FIR no.269, the complainant has filed an appeal before this Court.

Learned senior counsel for the petitioner, in rebuttal, has submitted that the petitioner has been granted bail even in FIR no.792. It is further submitted that the petitioner has several old age problems and has even referred to the averments made in the application, i.e. CRM-22624-2022 in support of his arguments to the effect that the petitioner on account of his ailments was referred to Pt.B.D. Sharma PGIMS Rohtak, where he was admitted on 25.06.2022 and was discharged on 28.06.2022. It has been argued that there is a medical problem in the brain of the petitioner and one side of the body of the petitioner is not working and the petitioner requires proper medication and treatment and he is unable to get the same in the jail. It is further submitted that in such a situation, the question of threatening the complainant party also does not arise but only for the satisfaction of the complainant, the petitioner would not visit the said street during the pendency of the trial.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner is a 74 year old person who has been in custody

since 19.12.2021 and in the present case there are 60 witnesses and none of them have been examined, thus, the trial is likely to take time. The petitioner is not one of three persons who had fired at the deceased and the complainant (injured) and was not even present at the spot. The case of the prosecution in the FIR against the petitioner was that he 'may' have been involved in conspiring to kill the deceased along with other persons. No recovery has been effected from the present petitioner. The question as to whether there is sufficient material against the petitioner so as to convict the petitioner, would be finally adjudicated during the course of trial. The petitioner is stated to be not keeping in good health and a perusal of the averments made in CRM-22624-2022 would also show that the medical record of Pt.B.D. Sharma PGIMS Rohtak has been annexed to prima facie show that the petitioner is not keeping well. The petitioner has undertaken that he would not visit the Chaurhi Gali, Subhash Nagar, Rohtak Road, Jind, during the pendency of the trial.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently

of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous applications stand disposed of in view of the abovesaid order.

(VIKAS BAHL)  
JUDGE

August 02, 2022  
*Davinder Kumar*

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| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |