

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

CRM-M-27403-2022

Date of decision: 30.08.2022

Dharampreet @ Bobby

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

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

Mr. Ramandeep Sandhu, Sr. DAG, Punjab
assisted by ASI Mohan Lal.

NAMIT KUMAR, J.

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 Sections 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, Rimpdy 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 save him, 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, Rimpdy gave a kappa blow and when he raised his left hand for selfdefence, kappa hit on his elbow. When he fell down, Dharampreet Singh also gave a kappa blow, which hit Jagsir Singh on his left leg. Khandveer 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 submits that complainant Jagmandeep Singh @ Minku also suffered four injuries, which read as under: -

- “1. Incised wound of near 6cm x 2 cm on frontal of scalp area right side. Advice CT scan head.*
- 2. Punctured wound of around 2x2 cm on lower leg skin 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 Mohan Lal, 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 dated 06.07.2022 in the Court, which reflects that the petitioner is in custody for the last more than 10 months; investigation is complete; charges have been framed and the case is now fixed for recording the prosecution evidence.

In terms of order dated 07.07.2022, service on Mr. I.S. Dhaliwal, Advocate, who appeared for the complainant in

connected matter bearing CRM-M No.856 of 2022, is complete as per office report however, none has chosen to cause appearance on his behalf.

The learned counsel for the petitioner has further submitted that complainant-victim Jagmandeep Singh @ Minku, ex-Sarpanch is involved in two other FIRs 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. He has also relied upon the order dated 02.05.2022 passed in CRM-M-856-2022 titled as 'Jagvir Singh versus State of Punjab', whereby, the co-accused, namely, Jagvir Singh, has been granted regular bail in the same FIR.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last more than 10 months; charges have been framed and, therefore, it will take some time in conclusion of the trial, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period. Consequently, 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/Illaq 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.

30.08.2022
Neha

(NAMIT KUMAR)
JUDGE

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