

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(221)

CRM-M-30135-2022 (O&M)

Date of decision: - 20.07.2022

Jagdev Singh @ Jagga

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sunil Sihag, Advocate
and Mr. S.S. Nain, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

CRM-24229-2022

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

CRM-M-30135-2022

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in DDR No.19 dated 05.02.2022 under Sections 148, 149, 307, 323 and 324 IPC (Section 326 IPC has been added later on) and Section 27 of the Arms Act (Annexure P-1) registered against FIR No.75 dated 05.02.2022, under Sections 148, 149, 302 and 120-B IPC, at Police Station Pundri, District Kaithal.

Learned counsel for the petitioner has submitted that in the present case, FIR No.75 dated 05.02.2022 under Sections 148, 149, 302 and 120-B IPC was registered on the statement of Jasbir Singh, who belongs to the present petitioner's side with respect to the injuries caused by the present complainant party, which resulted in the death of one Ankit, nephew of Jasbir Singh, and injuries were also inflicted upon other persons belonging to the petitioner's side. Reference has been made to the said FIR, in which, Dhanpat, who is the complainant in the cross-version (DDR), along with other co-accused, is alleged to have caused injuries to Ankit and other persons belonging to the party of the petitioner and on account of the same, the said Ankit had succumbed to the injuries inflicted. It is further submitted that the petitioner has been made an accused in the cross-version and as per cross-version/DDR, no specific injury has been attributed to any persons, although, it has been stated in the FIR that from the side of the present petitioner, shots were fired. It has been pointed out by learned counsel for the petitioner that translation of the DDR at page 4 of the paper-book is not correct, inasmuch as, in the vernacular it has been mentioned that "it is from the side of the petitioner Jagdev Singh @ Jagga shots were fired." It is also submitted that no pistol has been recovered from the present petitioner and it was the complainant party in the DDR, who were the aggressors in the incident. It is also submitted that the petitioner has been in custody since 06.02.2022 and the challan has been presented and there are 22 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time.

Learned State counsel, on the other hand, has opposed the

present petition for regular bail and has submitted that it is from the side of the present petitioner that the shots were fired, although, the same did not hit any of the persons in the complainant party, but the same would show the intention of the petitioner and other accused. It is further submitted that the recovery of the licenced pistol has already been effected from co-accused Vikas.

Learned counsel for the petitioner, in rebuttal, has submitted that the said co-accused of the petitioner, namely, Vikas, has already been granted the concession of regular bail by this Court, vide order dated 30.06.2022 passed in CRM-M-27438-2022.

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

The petitioner has been in custody since 06.02.2022 and the challan has been presented and there are 22 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. FIR No.75 dated 05.02.2022 had been got registered under Sections 148, 149, 302 and 120-B IPC on the complaint made by Jasbir Singh, belonging to the side of the petitioner and in the said FIR, it had been alleged that the present complainant Dhanpat, along with others, had inflicted injuries upon Ankit, on account of which he had died and they had also caused injuries to other persons from the side of the petitioner. A perusal of the cross-version (DDR), in which, the petitioner has been made an accused, would show that no specific injury has been attributed to any person, although, it has been stated that from the side of the present petitioner, gun shots were fired, but the same did not hit anyone and no fire arm

injury has been caused to the complainant or any person from the complainant's side. The said pistol has not been recovered from the petitioner, but has been recovered from co-accused Vikas, who has already been granted the concession of regular bail by this Court, vide order dated 30.06.2022 passed in CRM-M-27438-2022. The complainant has suffered three injuries, whereas on the side of the present petitioner, one person has died. The question as to who was the aggressor party at the time of the alleged incident, would be finally adjudicated during the course of the trial.

Keeping in view the abovesaid 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.

July 20, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No