

CRM-M-39108-2020

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

**CRM-M-39108-2020 (O& M)
Date of decision: 10.03.2022**

Jagdeep Singh @ Jagga

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Navkiran Singh, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case FIR No.185 dated 27.07.2018, registered at Police Station Rama Mandi, District Jalandhar, under Sections 307, 302, 120-B, 201, 212 and 216 IPC, Section 25 of the Arms Act, 1959 and Section 3(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR; that there is no material available on record to substantiate the complicity of the petitioner with the commission of offence; that on 30.07.2018, complainant-Pradeep Kumar @ Mani again made a statement that Jograj Singh @ Joga son of Amarjit Singh had threatened Ajay Kumar @ Dona (since deceased) that he might conceal himself wherever possible and they would be satisfied after killing him;

CRM-M-39108-2020

that on 02.08.2018, co-accused Jograj Singh @ Joga admitted before the police that he had got the murder of Ajay Kumar @ Dona executed through his companions Jagdeep Singh @ Jagga (petitioner), Mukesh Kumar @ Lala, Gurvinder Singh @ Baba, Arjun Sehgal and Mukul Shergill and he had been in contact with the assailants from the jail through mobiles and whatsapp. It is further submitted that there is no call details record regarding any such call; and that the disclosure statement of the co-accused has no evidentiary value. It is further submitted that there is no direct or circumstantial evidence against the petitioner; that the petitioner has been in custody for more than 3½ years; that moreover, vide order dated 02.12.2021, the petitioner has not misused the concession of the interim bail granted to him w.e.f. 03.12.2021 to 02.01.2022 and, that the petitioner surrendered well in time before the concerned jail authority after completion of the period of interim bail. Co-accused, namely, Gurvinder Singh @ Baba, Mukesh Kumar @ Lala and Jograj Singh alias Joga stand enlarged on regular bail by the Coordinate Benches, vide orders dated 10.04.2019, 18.09.2020 and 16.11.2020 (Annexures P-5 to P-7, respectively).

On the other hand, learned State counsel submits that on the disclosure statement of co-accused, Jagdeep Singh alias Jagga, the petitioner was arrested in the present case; that a countrymade pistol used in the offence, was recovered and as per the FSL report, it was in a working condition, and that out of 30 prosecution witnesses, 04 witnesses have been examined.

I have heard the learned counsel for the parties.

CRM-M-39108-2020

The petitioner is not named in the FIR. The petitioner has been in custody for more than 3½ years. As stated above, the co-accused stand enlarged on regular bail by the Coordinate Benches. The case involves debatable question regarding the calls made to him from the jail by the co-accused, for committing the murder of Ajay Kumar @ Dona. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

10.03.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No