

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-5673 of 2023
DATE OF DECISION:-08.02.2023

Jagroop Singh@ Jupa

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of bail pending trial in case G. D. No.019 dated 04.06.2022 in FIR No.80 dated 02.06.2022 under Sections 302, 326, 34 IPC 1860 and Sections 25, 27, 54 of the Arms Act, 1959, registered at Police Station Sirhali, District Tarn Taran.

Learned counsel for the petitioner submits that originally on the basis of statement made by the mother of the deceased Shamsher Singh @ Shera, FIR was registered against three persons i.e. Sukhwant Singh, Harpreet Singh @ Happy and Sarabjit Singh, however, later on, the investigating agency recorded G.D No.019 dated 04.06.2022 on the basis of statement made by one of accused arrayed in the FIR i.e. Harpreet Singh @ Happy, implicating the petitioner in the incident resulting into the murder of Shamsher Singh @ Shera. Learned counsel further submits that the mother of the deceased never changed her stance before the investigating agency and remained consistent with her original statements made before the police

which resulted into registration of FIR. Learned counsel also submits that petitioner is behind the bars for a period of more than 7 months and the investigation already stands concluded with the filing of challan on 21.10.2022 whereas, the trial of the case is likely to take some time and thus, prays for grant of regular bail to the petitioner.

On the other hand, learned State counsel relies upon G.D. No.19 dated 04.06.2022 to submit that the petitioner is also involved in the incident resulting into the murder of Shamsheer Singh @ Shera, however, he has not been able to controvert the fact that the mother of deceased who allegedly happens to be the eye-witness of the occurrence still stand by her original statement made at the time of registration of FIR.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

The FIR in question was got registered at the instance of mother of the deceased who allegedly claimed herself to be the eye-witness of the entire incident no where mentions the name of the petitioner to be involved in the alleged occurrence either in original statement or even any supplementary statement, if any. Apparently, the implication of the petitioner is on the basis of G.D. No.19 dated 04.06.2022 got recorded at the instance of one of the accused named in the FIR appears to be an afterthought just to confuse the investigating agency that too after a period of two days of the incident as well as the registration of the FIR. Moreover, the investigation has already been concluded with the filing of challan and the trial is likely to take some time, as such, petitioner deserves concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

08.02.2023.
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No