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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8345-2023 (O&M)

Date of decision: 22.03.2023

Jastin Gill @ Jassa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Simble, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

CM-12717-2023

Heard.

Allowed as prayed for.

Documents (Annexures P-6 and P-7) are taken on record
subject to all just exceptions.

CRM-M-8345-2023 (O&M)

Prayer in this 2nd petition is for grant of regular bail to the
petitioner under Section 439 of the Code of Criminal Procedure (in
short 'Cr.P.C.') in FIR No.24 dated 18.03.2020, for offence punishable
under Sections 302, 307, 336, 450, 427, 506, 148, 149 of the Indian
Penal Code, 1860 (in short 'IPC') and 25/27/54 of the Arms Act, 1959
registered at Police Station Batala, District Gurdaspur.

The new ground for filing this petition is that two of the prosecution witnesses have not identified the petitioner and he is in long custody.

Counsel for the petitioner has submitted that the FIR was registered at the instance of Amrit Singh with the allegations that he is an agriculturist and his uncle's son Sukhmanjit Singh son of Karam Singh and Gursimran Singh, Rana Vishavjeet Singh both sons of Partap Singh are studying in a school along with a boy named Sahil. Few days ago, a minor altercation took place between them. On 16.03.2020, they had gathered at a petrol pump for effecting a compromise between the them, however, Lakha Singh got annoyed and did not agree with the compromise and threatened that he will see them later on. On the next day at 10:30 PM when the family of the complainant was out to sleep, Lakha Singh, Malkiat Singh, Amritpal Singh, Sahil and 8-10 unknown armed with deadly weapons entered the house. Thereafter, Lakha Singh raised lalkara and they started firing upon his family with intention to kill and fled away from the spot. The complainant who was standing nearby saw that his mother Jasbir Kaur received fire shot injury on her neck, his father Niranjana Singh received fire arm injury on his forehead and his aunt Narinder Kaur received fire shot on her arm and his grandfather Partap Singh received fire shot blow at his leg. Thereafter, he took all of them to hospital where his mother Jasbir Kaur died due to the injuries.

Counsel for the petitioner has further submitted that the petitioner is in custody since 09.04.2020 and referred to the statement of PW-1 complainant Amrit Singh to submit that during examination-

in-chief while doing the identification, he has named the accused person in the Court i.e. Jasbir Singh and Satnam Singh, who participated with the accused party whereas Amritpal Singh @ Amit and Sarabjit Singh were not participating in the occurrence. He has also stated that he had seen accused Karanjit Singh, Justin @ Jassa, Malkiat Singh through video conferencing and they were also not participating in the commission of crime and he has no grudge against them. Similar is the statement made by the injured PW-2 Narinder Kaur, wherein she stated on similar line that the petitioner Justin @ Jassa and some other persons were not present at the time of the occurrence. Both the said prosecution witnesses, were declared hostile and were cross-examined by the Public Prosecutor, however, when confronted with the statement, they even denied having made any such statement to the police.

Reply by way of affidavit of the Inspector, SHO Police Station Sri Hargobindpur, Police District Batala, filed in the Court is taken on record, in which it is stated that there are some other cases pending against the petitioner and charges were framed and thereafter, the case is fixed for recording the statement of the prosecution witnesses. It is further stated that the petitioner is in custody since 09.04.2021.

Counsel for the State, on instructions from ASI Sarwan Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last for the last 09.04.2021; the custodial interrogation of the petitioner is not

required; two the prosecution witnesses have already been declared hostile and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

22.03.2023
yakub

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