

(108+212)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-52447-2023 IN/AND
CRM-M-18061-2023
Date of Decision: 14.12.2023

JAGJEET @ JUDGE

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. DPS Bajwa, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

CRM-52447-2023

The present application has been filed by the applicant-petitioner
for placing on record Annexure P-5.

For the reasons mentioned in the application, the same is
allowed and Annexure P-5 is taken on record.

CRM-M-18061-2023

The prayer in the present petition under Section 439 Cr.P.C. is
for the grant of regular bail in case bearing FIR No.221 dated 09.09.2021
registered under Sections 307, 34, 120-B of the IPC, 1860 and Sections
25/54/59 of the Arms Act at Police Station Bhuna, District Fatehabad,
Haryana.

2. The present FIR came to be registered at the instance of Raj Kumar @ Raja son of Gulab Singh who stated that he was in the liquor business and owned liquor vends in different villages. Sushil son of Tejpal, Sunny son of Satpal and Parvesh Kumar son of Chandi Ram were his partners. On 08.09.2021 in the evening while he (complainant) along with his partners was sitting in front of the liquor vend, a white colour Verna car came to the spot. Four persons sitting in the car with illegal pistols came out and raised a Lalkara that they would teach him (complainant) a lesson for developing a dispute with Bhambu and Ramphal @ Bachi son of Chandi Ram. All the accused started firing at them (complainant party) from their pistols. One bullet struck him (complainant) on his left leg. On the assembly of various persons from the area all the four boys fled away along with their respective weapons. Meanwhile, he (complainant) and his companions starting following the Verna car and the boys continued firing upon them (complainant party). Thereafter, on seeing the police vehicle all the accused left the car and fled away. Ramphal alias Bachi who was standing at the gate of his house had been planning to hide all the four boys. The Verna car was taken into possession. Ramphal alias Bachi had got them (complainant party) attacked from four unknown persons with an intention to kill him (complainant). Some months earlier also he had been attacked at the instance of Bhambu. An earlier occurrence of 2013 had also taken place wherein one salesman of his (complainant's) liquor vend had been killed.

3. During the course of investigation, it transpired that Karamjeet alias Golu, Sanjay alias Sanju, Hanuman alias Doctor and Aman Malik were

the assailants. Vikram @ Bhambhu, Sandeep alias Monu (granted bail vide order dated 17.11.2022 Annexure P-3) and Jagjeet alias Judge @ Gugani (petitioner) were the conspirators. Sukhwinder alias Sukhjinder alias Sukha had allegedly sheltered the accused after the occurrence whereas Bhagwan alias Gaggi had provided the weapons to the assailants.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Even as per the case of the prosecution case, the petitioner was not present at the spot but was alleged to be a conspirator for which there is absolutely no evidence. In fact, in the initial disclosure statements of the arrested accused, the name of the petitioner does not find mention. Be that as it may, a disclosure statement has little evidentiary value in the eyes of law and therefore, there was no admissible evidence against the petitioner. He, further contends that as the petitioner was in custody since 23.04.2022 and only 01 of the 32 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, the petitioner was entitled to the concession of bail even though he was an accused in two other cases.

5. On the other hand, the learned State counsel while referring to the reply dated 09.08.2023 which is already on record, contends that while the four assailants actually committed the offence in question, the petitioner along with his co-accused was a conspirator. Therefore, looking at the nature of the allegations levelled against the petitioner, he was not entitled to the concession of bail moreso as he had criminal antecedents. He, however, concedes that the petitioner was in custody since 23.04.2022, only 01 of the

32 prosecution witnesses had been examined so far and that a similarly situated co-accused namely Sandeep @ Monu had been granted the concession of bail vide order dated 17.11.2022 (Annexure P-3).

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 23.04.2022 and only 01 of the 32 prosecution witnesses has been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. A co-accused namely, Sandeep @ Monu has been granted the concession of bail vide order dated 17.11.2022 (Annexure P-3). In this situation the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jagjeet Singh @ Judge son of Balwinder Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the

State would be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

14.12.2023

JITESH

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