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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 22.03.2023

1. CRM-M-30738-2022 (O&M)

Jaspreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M-2746-2023 (O&M)

Harjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Yashpal Thakur, Advocate
and Mr. Nirbhay Garg, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Jaspreet Singh and Harjit Singh, under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0064 dated 13.03.2021, for offence punishable under Sections 302, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Kharar, District S.A.S. Nagar, Mohali.

On 23.01.2023, the following order was passed:-

“Learned counsel for the petitioner has argued that as per allegations in the FIR, registered on the statement of complainant Parminder Singh, it is stated that he knew Gurinder Singh @ Roda since 2015 and they were doing the business of property. On 11.03.2021, Gurinder Singh

@ Roda called him and when he reached his house on the next day, Avtar Singh @ Raaji was there along with Salman and Beant Singh. Thereafter, Gurinder Singh @ Roda had an altercation with some people on phone and then, Gurinder Singh @ Roda along with complainant, Avtar Singh @ Raaji, Simran, Salman and Beant Singh reached Daun Majra in a car of Gurinder Singh @ Roda. When they were going towards the office of Mani, from whom money was to be recovered, their car was stopped and immediately, Mani armed with Kirpan, Sohna armed with Danda, Gola, Jaspreet Singh @ Jassu and Harmanpreet Singhm, who were also armed with Kirpans and 10-12 other persons, who were armed with Dandas, attacked the complainant party. Harman gave Kirpan blow on Avtar Singh @ Raaji, which hit on his left wrist. Again a Kirpan blow was given, which on the left side of abdomen of Avtar Singh @ Raaji and he fell down. Mani gave a Kirpan blow on Gurinder Singh @ Roda, which did not hit him. Sohna gave a Danda blow on the complainant but he saved himself by running. Thereafter, the complainant and his companions raised hue and cry, on which, the assailants ran away from the spot with their respective weapons. Due to the injuries, Avtar Singh @ Raaji died, while he was being taken to Civil Hospital, Kharar. Learned counsel for the petitioner further submits that a cross version in the FIR was also registered as the persons from the side of accused also received injuries. It is further submitted that the petitioner is in judicial custody for the last more than 01 year 10 months.

Status report, filed in the shape of the affidavit of Inspector/SHO, Police Station Sadar Kharar, is on record, in which, the role of the petitioner is detailed as noticed in the FIR, however, it is stated that during investigation, the petitioner got recovered two vehicles, make Thar and Brezza and he also got recovered two blood stained Kirpans used in the commission of offences.

Learned State counsel could not clarify as to who is the registered owner of the vehicles recovered, which were used in the commission of crime.

List again on 21.02.2023.

In the meantime, let a specific affidavit of the Investigating Officer be filed regarding ownership of the aforesaid two vehicles.”

In compliance thereof, the affidavit of the Deputy Superintendent of Police, Sub-Division Kharar, District S.A.S. Nagar, Mohali, is on record.

Counsel appearing for the petitioner – Harjit Singh has argued that in fact, he has no role and he was arrested later on, on the basis of the disclosure statement of the co-accused whereas the counsel appearing for the petitioner Jaspreet Singh has submitted that no injury is attributed to him. In the affidavit of the Deputy Superintendent of Police, the role of the petitioner Harjit Singh is stated to be a person, who was nominated on 28.04.2022 as it was found during the investigation on the basis of the disclosure statement of the main accused Manjinder Singh @ Mani that the petitioner Harjit Singh has came to the spot in a Jeep and thereafter, he has gone to the village to bring more persons at the spot. The petitioner was, in fact, not found to be a person involved in the attack.

Further with regard to the role of the petitioner Jaspreet Singh, counsel for the petitioner, on the basis of the affidavit of the Investigating Officer has submitted that the petitioner Jaspreet Singh @ Jassu along with 10-12 persons was armed with kirpans and dandas and the petitioner has given a kirpan blow on Gurvinder Singh, which did not hit him.

Counsel for the petitioner has further submitted that there is no allegation that the petitioner has not caused any injury to deceased Avtar Singh @ Raji. It is submitted that it is a case of version and cross-version and it will be a matter of trial as to which party was aggressor.

On a Court query, counsel for the State has submitted that challan against the petitioner Jaspreet Singh stands presented on 09.06.2021 and similarly, the challan qua the petitioner Harjit Singh was presented on 29.04.2022. However, till date, charges have not been

framed as the matter remain under investigation with regard to the other accused persons. It is stated that there are total 22 PWs and the petitioners Jaspreet Singh and Harjit Singh are in custody since 13.03.2021 and 24.04.2021, respectively.

Counsel for the State, on instructions from ASI Davinder 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 petitioners are in custody for the last 13.03.2021 and 24.04.2021, respectively; the custodial interrogation of the petitioners is not required and the conclusion of the trial will take some time as even the charges have not been framed against the petitioners, both these petitions are allowed and the petitioners namely Jaspreet Singh and Harjit Singh are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

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

A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

22.03.2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No