

235

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

CRM-M-57431-2023 (O&M)
Date of decision : 20.11.2023

JASPREET SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. APS Rehan, Advocate for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab with
SI Parvinder Singh.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.65 dated 17.12.2016 registered for the offences punishable under Sections 307, 341, 506 and 34 of the IPC and Sections 25 & 27 of Arms Act, 1959 at Police Station Garhdiwal, District Hoshiarpur.

2. FIR was registered on the statement made by one Hardeep Singh son of Kulwant Singh alleging as under :

“xxx that I am a resident of above stated address and I am doing the work of agriculture. Today in evening at about 5 p.m., I was travelling on my Zen-LX car with registration number HR-01-D-5659 and was going to my in-laws house at village Hardo Patti from my village Johal and when I reduced the speed of my car near the turn of village Ambala Jattan, Harjinder Singh son of

Narinder Singh resident of village Khandali Narang who was coming from behind on his scooter without any registration number stopped my car after crossing me by stopping his scooter in front of my car. On this I came out of my car and from the side of village Johal Sukhjinder Singh alias Sukha son of Jagjit Singh and Jaspreet Singh son of Avtar Singh also came on a Platina motorcycle without any registration number and both of them having pistols in their hands. Above stated Sukhjinder Singh alias Sukha fired on me with his pistol with intention to kill me and the bullet after hitting my left bicep went across the jacket of my tracksuit and thereafter hit on the right thigh of one Smt. Joginder Kaur wife of Randhir Singh, resident of Roopowal who was walking on the road due to which she started to cry. Above stated Sukhjinder Singh alias Sukha and Jaspreet Singh gave threats to kill -me and ran away from the spot towards the fields along with their respective weapons leaving at the spot their motorcycle mark Platina without any registration number and Harjinder Singh alsoran away from the spot towards village Ambala Jattan on his scooter. The reason is that earlier also I had a dispute with them and a case has been registered at Police Station Garhdiwala due to which they have fired on me. I and Randhir Singh along with injured lady namely Smt. Joginder Kaur had gone to get her admitted in hospital and thereafter I along with my relative Surjit Singh son of Harjinder Singh, resident of Argowal were going to Police Station to give information but you have met us and I have got my statement recorded to you. Above stated Sukhjinder Singha alias Sukha, Jaspreet Singh and Harjinder Singh have attacked me with intention to kill me therefore necessary legal action be taken against them. Statement has been recorded and is correct.xx”

3. Counsel for the petitioner has drawn attention of this Court to the order dated 25th of December, 2018 passed by Additional Sessions

Judge, Hoshiarpur in the present case while dealing with pre-arrest bail of the petitioner observing as under :

“Bail application put up today being duty judge during winter vacations. Record has been received and perused. It has been contended by the learned counsel for applicant-accused that accused was falsely implicated in the present case and during investigation he has been declared proclaimed offender, however lateron inquiries were conducted and in inquiry applicant-accused was found innocent. The application for anticipatory bail was earlier moved and police stated that applicant-accused is not required and so application was withdrawn and now again apprehension is there for the applicant as the P.O order has not still been dropped.

ASI Satpal Singh vide separate statement stated that applicant-accused is not required in the present case and he has been found innocent during investigation. Earlier when such kind of bail application was filed, same was kind of statement of police officials who also even stated that police was to adopt the due course to delete the P.O proceedings. When such is the situation, there does not exist any immediate apprehension of arrest of the applicant-accused at the hands of police, the proper remedy for the applicant would be to challenge the P.O order or to make suitable representation in this regard to the police or to the Illaqa Magistrate. Accordingly the application in hand is ordered to be dismissed. File be consigned to the record room.”

4. Counsel thus submits that even though the application was dismissed however the fact remains that the petitioner was not required in the present case and was found innocent during investigation. He further submits that it is only in the subsequent supplementary charge-sheet that the petitioner has been challaned.

5. State Counsel does not dispute the aforesaid factual assertions made by counsel for the petitioner based on record. However, he submits that the petitioner is a convict for offence punishable under the POCSO Act and has earned conviction of 20 years.
6. I have heard counsel for the parties and have gone through records of the case.
7. Without commenting on the merits of the case, keeping in view the fact that the petitioner did approach the Court of law and made effort to seek bail and the same was dismissed by observing that the petitioner has been found innocent during investigation by the investigating agency, the present petition is allowed. The petitioner is ordered to be released on bail in the present case on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 20, 2023
Dpr

(Pankaj Jain)
Judge

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