

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4967-2024 (O&M)

Date of Decision: 28.02.2024

Jasmer Singh @ Bhura & others ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: M/s Keshav Pratap Singh, Rajat Singh & Vishal Singh,
Advocates, for the petitioners.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Kushagra Beniwal, Advocate, for the complainant.

FIR No.	Dated	Police Station	Section/s
269	11.11.2023	Nigdhu, District Karnal	Sections 148, 149, 307, 323, 506, 341, 325 IPC (Sections 341 & 325 IPC were added later on)

GURVINDER SINGH GILL, J. (Oral)

- Today, at the very outset, learned counsel for the petitioners submits that petitioner No.1 – Jasmer Singh @ Bhura and petitioner No.2 – Krishan Lal may be permitted to withdraw the instant petition at this stage.
- In view of the aforesaid submission, the instant petition qua petitioner No.1 and petitioner No.2 is dismissed as withdrawn at this stage.
- Petitioner No.3 – Shamsher and petitioner No.4 – Baljeet seek grant of regular bail in respect of aforementioned FIR.

4. The FIR in question was lodged at the instance of Vijay, wherein it is alleged that on 11.11.2023, when he reached in front of Shop No.2, Grain Market, Nigdhu after loading paddy in the tractor trolley, Ritesh and four other persons, who had come in a car and who were carrying iron rods in their hands, attacked him and inflicted multiple injuries to him with iron rods. It is alleged that Ritesh nurses a grudge against him inasmuch as his daughter had married the son of the complainant, namely, Parshant against Ritesh's wish.
5. Learned counsel for petitioners No.3 & 4, namely, Shamsheer and Baljeet, submits that they are nowhere named in the FIR and have been falsely implicated on the basis of a disclosure statement allegedly made by co-accused Ritesh. Learned counsel submits that the falsity of the case against the said two petitioners would be evident from the fact that even on the day, when the complainant got his supplementary statement recorded naming a couple of accused, the names of the petitioners do not figure anywhere in the said supplementary statement.
6. Opposing the petition, learned State counsel assisted by learned counsel for the complainant submits that since the names of both the petitioners, namely, Shamsheer and Baljeet have been disclosed by the main accused Ritesh, their involvement is clearly apparent and evident and they do not deserve any concession in the matter of grant of bail. Learned State counsel has, however, informed that both the petitioners as on date have been behind bars since the last more than 3 months and although charges have been framed, but none out of cited 17 PWs has been examined till

date. It has also been informed that both the petitioners are not involved in any other case.

7. This Court has considered rival submissions.
8. It is not in dispute that the petitioners are neither named in the FIR nor in the supplementary statement and their names surfaced in the disclosure statement of co-accused Ritesh. The evidentiary value of such like disclosure statement would be debatable. In any case, having regard to the fact that the trial has not even commenced till date and the petitioners otherwise have a clean record, further detention of the petitioners, namely, Shamsher and Baljeet will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted qua petitioners No.3 & 4, namely, Shamsher and Baljeet and the said petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.02.2024

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(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**