

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13870-2024
DECIDED ON: 10.04.2024

JAGPREET SINGH @ JAGGA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for the grant of regular bail to the petitioner in case FIR No. 105, dated 02.08.2020, under Sections 302, 148, 149, 120-B, 212, 216 IPC and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Harike, District Tarn Taran.
2. Learned counsel for the petitioner submits that no specific injury has been attributed to the petitioner, which would attract Section 302 IPC. It is further submitted that the role attributed to the petitioner at the most is of firing in the air and even as per allegation no injury has been caused by the petitioner to the deceased. It is contended that the co-accused namely Jobanpreet Singh, who gave datar blow on the head of the deceased, which proved fatal, has already been granted the concession of regular bail by this Court vide order dated 25.01.2024 passed in CRM-M-46579-2023.
3. Custody certificate of the petitioner filed by learned State counsel is taken on record. He prays for dismissal of the present petition urging that the

petitioner is a habitual offender, who is involved in multiple cases, therefore, does not deserve the concession of bail at least at this stage.

4. Heard, learned counsel for the respective parties.

5. Be that as it may, this Court is sanguine of the fact that no injury whatsoever has been caused by the petitioner to the deceased, as is evident from the submission made by learned State counsel, who candidly informs the Court on the basis of challan and report under Section 173 (2) Cr.P.C., that the petitioner fired a gun shot in the air but no injury has been caused either to the deceased or any other injured. On a query put by this Court, he informs that out of total 29 prosecution witnesses only two have been examined so far, after framing of charges on 11.10.2022, which is sufficient for this Court to infer that the trial is moving at snail's pace and no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would also violate his right to speedy trial and expeditious disposal as enshrined under Article 21 of the Constitution of India.

6. As far as the contention of learned State counsel with regard to pendency of other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

7. In view of the discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, concerned.

8. The present petition is, hereby, allowed.
9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.04.2024

Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No