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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19247-2023
Date of decision : 21.03.2024

JASPREET SINGH @ JAGPREET SINGH ...Petitioner

Versus

STATE OF HARYANA ... Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nandan Jindal, Advocate and
Mr. Tushar Sabherwal, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

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.388 dated 11.08.2019 registered for the offences punishable under Sections 341/397/307/392 of Indian Penal Code, 1860 later on Section 395 IPC was deleted and Section 25 of Arms Act, 1959 at Police Station Indri, District Karnal.

2. As per the contents of the FIR it was alleged as under :

“xxx stated that I am a resident of the above stated address. I have passed tenth standard. I do the job of repairing a vehicle. My brother Naresh has hired a truck on rent bearing nurnber HR-69B6260. Yesterday on 10/08/19, my brother Naresh took his truck from village Didwada at around 7 pm to load the apples in Saharanpur UP. Raju resident Sahanpur (Safido) informed me on my mobile phone last night that my brother Naresh was made to stop at Indri around 11/11.30 PM by adding his car in front of the Naresh's truck in which five six boys were silling and by stopping the truck and fighting with the Naresh and Conductor Seetu,

snatched the mobiles of both and snatched the money. The man shot with the intention of killing the Naresh, which hit in the stomach of the Naresh. My brother Naresh's mobile phone number is 8930664208 and situ mobile phone number is 9996893660. After getting information, I reached Amritadhara Hospital in Karnal. Where my brother Naresh is undergoing treatment. My brother Naresh will tell you the whole thing about the incident. Legal action should be taken against the five-six unidentified boys in the car. I have made my statement before you at Amritdhara Hospital, Karnal, and have heard and is correct. SD- Rajesh Kumar”

3. As per the prosecution, the petitioner was arrested in the State of Punjab wherein he admitted his guilt *qua* the present occurrence while in police custody.

4. Counsel for the petitioner submits that no recovery has been effected from the petitioner to yoke him to the present offence. No test identification parade has been conducted till date and thus there being no incriminating evidence against the petitioner apart from the alleged confession while in police custody, the petitioner is entitled to be released on bail. The petitioner is behind bars since 10th of December, 2019 i.e. for more than 4 years and 3 months and till date no prosecution witness has been examined.

5. Mr. Bansal on the other hand opposes the bail plea submitting that the petitioner has criminal record and is involved in more than 11 cases of similar nature. However he does not dispute that so far as the present case is concerned, apart from the confessional statement that to while in police custody there is no incriminating evidence against the petitioner.

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 incarceration already suffered by the petitioner and the nature of evidence against the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail 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.

March 21, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No