



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(212)

CRM-M-20275-2024 (O & M)
Date of decision: 17.05.2024

Jasveer Singh @ Jassi

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Jagjit Singh Gill, Advocate,
with Mr. Lakhan Paul Garg, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.391 dated 29.10.2023 under Sections 147, 148, 307 IPC and Section 25 of the Arms Act, 1959 registered at Police Station City Kalanwali, District Sirsa.

2. The present FIR came to be registered at the instance of Bhola Singh and reads as under:-

“Statement of Bhola Singh son of Chhota Singh resident of village Khatarawan age 48 years 7494901304 stated that he is resident of above given address. He does agricultural work My brother has a tractor repair shop on Tilokewala Kanchia. My brother has total three shops adjoining at Tilokewala Kanchia. In one shop he himself has a tractor repair shop and 2 shops



are on rent to liquor contractor. In which there is liquor store. On 28.10.2023 at about 7 pm I went to my brother Labh Singh's shop on Tilokewala Kanchia. Inside the liquor contractors shop contractor Jaswinder Singh alias Jaggu, Harman Singh son of Juppa Singh resident of village Sukhchain, Pargat Singh alias Kaka son of Raj Singh resident of village Raghuana and along with them there were three more persons drinking alcohol inside the liquor store and Vicky son of Jaswinder Singh alias Jaggu resident of village Sukhchain was also present inside the liquor shop. Sometime before Jaswinder Singh alias Jaggu was caught in a case of poppy husk and he had doubts that my brother Labh Singh made him caught. Due to which Jaswinder Singh alias Jaggu has rivalry with me. Then Jaswinder Singh alias Jaggu, Vicky, Harman, Pargat Singh alias Kaka and three unknown persons after drinking alcohol came out of the alcohol shop and on seeing my brother Labh Singh he said today I will teach you lesson because of you my poppy husk was caught. After saying this Jaswinder Singh alias Jaggu fired with the intention to kill my brother with the pistol in his hand and bullet hit my brother Labh Singh. Then everyone shouted and said don't spare him today he is still alive shot him one more time and then Jaswinder Singh alias Jaggu again second times fired at my brother Labh Singh and second bullet also hit my brother. When I shouted and ran to save my brother then Jaswinder Singh alias Jaggu fired at me with the pistol in his hand and bullet went away touching my hand afterwards when people started to gather with the noise of firing then all of the accused sat inside their car and tried to ran away which was standing inside the boundary wall of the alcohol store and I closed the door to stop them but they hit their car into the gate and all of the accused absconded in the car. Then I arranged a vehicle and admitted my brother Labh Singh to Government hospital Kalanwali where doctor gave him first aid and afterwards he was referred to Government hospital Sirsa. But we instead to admitting him



in Government hospital Sirsa admitted him in City Health Care Sirsa where doctor said that my brother Labh Singh had serious injuries he was referred to higher centre and my younger brother Binder Singh took my brother to Adhar hospital Hisar for treatment and I went to Government hospital Sirsa for my treatment and there doctor had done my treatment and discharged me. Now I was coming to police station Kalanwali, you met me on the gate, I recorded my statement to you, heard, found correct, legal action be taken against above said accused, Sd/- Bhola Singh”.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He had not been named in the FIR nor was present at the spot at the time of the occurrence. He had been arrested on the basis of the disclosure statement of a co-accused/Jaswinder Singh @ Jaggu. There was delay of one day in the registration of the FIR which was fatal to the prosecution. Even as per the statement of the injured-Labh Singh, no overt act had been attributed to the petitioner. As the petitioner was in custody since 11.12.2023 but none of the 14 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded in the near future and therefore, he was entitled to the concession of bail, moreso, when he was on bail in the one other case registered against him under the NDPS Act.

4. The learned counsel for the State, on the other hand, has filed a reply dated 15.05.2024 which is taken on record. While referring to the said reply/affidavit, he contends that the petitioner accompanied the main accused at the time of occurrence took place. Thus, his culpability was established with the aid of Sections 147 and 148 IPC. Therefore, he was not

entitled to the concession of bail. He, however, concedes that the petitioner



was in custody since 11.12.2023 and that none of the 14 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 11.12.2023 but none of the 14 prosecution witnesses have been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.
7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Jasveer Singh @ Jassi is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.
9. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 17, 2024
sukhpreet

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