

CRM-M-31865-2023
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 25.01.2024

(1) CRM-M-31865-2023 (O & M)

Jagseer Singh @ Jassi Petitioner
V/s
State of Haryana ...Respondent

(2) CRM-M-63320-2023 (O & M)

Suraj Singh Petitioner
V/s
State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikas Bishnoi, Advocate,
(in CRM-M-31865-2023).
Mr. Munish Kamboj, Advocate
(in CRM-M-63320-2023) for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions
i.e. CRM-M-31865-2023 and CRM-M-63320-2023 as they arise out of the
same FIR.

2. The petitioner-Jagseer Singh @ Jassi (in CRM-M-31865-2023)
and the petitioner-Suraj Singh (in CRM-M-63320-2023) seek the grant of
regular bail under Section 439 Cr.P.C. in case bearing FIR No.334 dated
07.11.2022 under Sections 307, 384, 387 and 506 IPC and Section 25 of the

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Arms Act, 1959 (Sections 452, 212 and 120-B IPC added later on) registered at Police Station City Ratia, District Fatehabad.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-63320-2023.

4. The FIR came to be registered at the instance of Chander Sain and reads as under:-

“To, Mr. SHO Sahib, Police Station City Ratia. Sir, it is a request that I am Chandra Sain, son of Lajpat Rai, resident of Ward No. 2, Old Bazaar Ratia and I have a shop in the name of T S Electronics on Tohana Road, Ratia. Today evening at around 6.40 PM, I was closing the shop and I and the boy working at my shop, Sewak son of Nachhattar Singh, resident of Badalgarh, were outside the shop and the other boy working at my shop Ram, resident of Dadupur was in the shop. Meanwhile, an unknown young boy who entered my shop in front of us. What I thought was that this unknown boy had come to buy some goods, who had a cloth tied over his mouth and head. Seeing the unknown boy going inside the shop, Sewak also went inside the shop. My servant Sewak came out from inside and told me that unknown boy is calling you inside, I also went inside the shop and both my servants came outside the shop. Then that unknown young boy asked me where is your son Honey, to which I said that my son Honey has gone home. He told me his name is Sucha r/o Sahnal and said that if Rs 20 lakh is not received by the day after tomorrow, then your entire family will be killed and started showing the pistol he had with him. Having said this, the boy went outside the shop to his two friends on the road and all three fired at me with the pistol they

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had with them with the intention of killing me, which coincidentally I bent down and the two fires hit the glass of the shop and one fire hit the board above the shop. The three boys ran away while firing on the road and threatening to kill me and my family in a loud voice. You are requested to take strictest legal action against Sucha Singh and his two associates. sd Chander Sain Applicant Chandra Sain son of Lajpat Rai resident Ward No. 02 Old Bazaar Ratia Mob. 93549-04515”.

5. During the course of investigation, on 22.11.2022, two accused, namely, Suraj Singh (petitioner in CRM-M-63320-2023) and Deepu @ Deepak (since granted bail vide order dated 01.12.2023 in CRM-M-58839-2023) were joined in the investigation and arrested. During their interrogation, they disclosed the name of Jagseer Singh @ Jassi (petitioner in CRM-M-31865-2023) who was arrested.

Deepu @ Deepak got recovered a mobile phone make OPPO with SIM No.74047-82296 alongwith a Bajaj Pulsar motorcycle bearing Registration No.HR23F7038. Jagseer Singh @ Jassi got recovered a mobile phone make SAMSUNG with SIM Nos.75022-00046 and 81684-26836. Suraj got recovered a mobile phone make SAMSUNG with SIM Nos. 97290-50821 and 98780-90821.

On 23.11.2022, Deepu @ Deepak got recorded his disclosure statement detailing the manner in which the occurrence took place.

Jagseer Singh @ Jassi and Deepu @ Deepak got recovered one 0.315 bore illegal pistol used in the occurrence. Jagseer Singh @ Jassi got

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recovered a motorcycle bearing Registration No.HR59-4144 make Splendor Plus alongwith a RC.

Deepu @ Deepak got recorded another disclosure statement to the effect that the persons who had accompanied Sucha Singh at the time of the occurrence were Avtar @ Tari and Manpreet Singh @ Kali. Accused-Rohit (since granted bail vide order dated 22.12.20223 passed in CRM-M-63882-2023) had dropped Avtar @ Tari and Manpreet Singh @ Kali on a motorcycle near Rampark Ratia.

On 30.11.2022, Avtar @ Tari and Manpreet Singh @ Kali were joined in the investigation. Avtar @ Tari got recovered 0.32 bore pistol, 03 live cartridges and one empty magazine. Manpreet @ Kali got recovered one 0.315 bore illegal pistol and 01 live cartridge. On 06.12.2022, co-accused Sucha Singh was arrested and got recovered 0.32 bore pistol, 04 live cartridges and motorcycle make Splendor Plus alongwith the clothes worn by him at the time of occurrence.

On 12.12.2022, during the course of investigation, co-accused Rohit was arrested and got recovered a motorcycle make CT-100.

On 16.01.2023, Sandeep @ Sandha was arrested and named one Dalip Shah @ Mukhiya as the person who had provided an accommodation to him (Sandeep @ Sandha) and Sucha Singh.

On 29.12.2023, co-accused Dalip Shah @ Mukhiya was joined in the investigation and arrested. He suffered his disclosure statement to the effect that he had sold the illegal pistol alongwith cartridges to Sandeep @

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Sonu Sandha for a sum of Rs.65,000/- and the said pistol and cartridges had been purchased by him from one Tarbej at Railway Station Rajnagar, District Madhubani, Bihar.

After the completion of the investigation, the report under Section 173(2) Cr.P.C. was submitted against Suraj, Deepu @ Deepak, Jagseer Singh @ Jassi, Avtar @ Tari, Manpreet Singh @ Kali, Sucha Singh and Rohit under Sections 307, 384, 387, 506, 212, 120-B, 34, 452 IPC and Section 25 of the Arms Act and the supplementary challan against co-accused Sandeep @ Sonu Sandha was submitted on 13.03.2023.

6. The learned counsel for the petitioner-Jagseer Singh @ Jassi contends that the petitioner had been falsely implicated in the present case. He was named in the disclosure statement of one of his co-accused which was inadmissible in evidence. However, taking the prosecution case to be true, he was not present at the spot when the shot were allegedly fired. The allegations against him were only of having conducted a recce. As the petitioner-Jagseer Singh @ Jassi was in custody since 22.12.2022 and none of the 38 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

7. The learned counsel for the petitioner-Suraj Singh contends that the petitioner had been falsely implicated in the present case. Two co-accused, namely, Deepu @ Deepak and Rohit had been granted the concession of bail. In fact, one weapon had also been recovered from Deepu

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@ Deepak. As the petitioner was in custody since 22.11.2022 and none of 38 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

8. The learned counsel for the State, on the other hand, with respect to the case of Jagseer Singh @ Jassi (petitioner in CRM-M-31865-2023) contends that the petitioner was a conspirator alongwith the other accused to commit the offence of extortion etc. and had also conducted a recce of the showroom at which the shots were fired. There were two other cases pending against him arising out of FIR No. 360 dated 10.07.2018 under Sections 323, 506, 34 IPC, Police Station Ratia and FIR No.87 dated 26.03.2019 under Sections 323, 452, 506, 34 IPC, Police Station Ratia and therefore, the nature of the allegations levelled against him alongwith his criminal antecedents did not entitle him to the grant of bail. He, however, concedes that the petitioner was in custody since 22.12.2022 and that none of the 38 prosecution witnesses had been examined so far.

9. As regards Suraj Singh (petitioner in CRM-M-63320-2023), the learned counsel for the State contends that as per the prosecution case in addition to being the conspirator, the petitioner alongwith co-accused Deepu @ Deepak had dropped co-accused/Sucha Singh at the place of occurrence. He, however, concedes that the petitioner was in custody since 22.11.2022 and that none of the 38 prosecution witnesses had been examined so far and

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that two co-accused, namely, Deepu @ Deepak and Rohit had been granted the concession of bail.

10. I have heard the learned counsel for the parties.

11. Admittedly, the co-accused of the petitioner, namely, Deepu @ Deepak and Rohit have been granted the concession of bail. Neither of the petitioners are alleged to have fired at the complainant/showroom. They are stated to be in custody since 22.12.2022 and 22.11.2022 respectively and none of 38 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, their further incarceration is not required.

12. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners, namely, Jagseer Singh @ Jassi (in CRM-M-31865-2023) and Suraj Singh (petitioner in CRM-M-63320-2023) are ordered to be released on bail subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

13. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that they are not involved in any other crime/case(s) other than the cases referred to in this order.

14. If any attempt whatsoever is made by the petitioners and/or their family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

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15. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.2,00,000/- each 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 petitioners from Trial without sufficient cause.

16. The petition stands disposed of.

January 25, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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