



CRM-M-31644-2024

-1-

(203)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31644-2024

Date of Decision: 13.12.2024

JAGJEET @ JUDGE

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rakesh Nehra, Sr. Advocate with
Mr. Digvijay, Advocate
for the petitioner.

Mr. R.S. Arya, Addl. A.G., Haryana.

Mr. Vipin Pal Yadav, Advocate

JASJIT SINGH BEDI, J.

The prayer in this 3rd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.245 dated 07.10.2021 (Annexure P-1) registered under Sections 147, 148, 149, 302, 120-B IPC, 1860 and Section 25 of Arms Act at Police Station Bhuna, District Fatehabad.

2. The present FIR came to be registered at the instance of Somnath S/o Harichand and the same reads as under:-

“Statement of Somnath s/o Harichand R/o Khasa Pathana aged 63 years Stated that I am a resident of above-mentioned address and work as an agriculturist. I have two sons namely Rajesh @ Raja (elder son) and Pankaj Kumar (younger son) and both my sons are married. Yesterday on dated 6.10.2021, I along with my younger son Pankaj Kumar were coming back to our village Khasa Pathana via village Snachla road from our office at Bhuna in our car



CRM-M-31644-2024

-2-

bearing registration No.HR-23G-4184 coloured white. The car being driven by my son Pankaj Kumar and I was sitting on the front seat of the car. At about 10.15 p.m. when we reached near a plot of one Balraj s/o Diwan Singh r/o Khasa Pathana, then suddenly the tire of our car got punctured. Thereafter my son got out of the car to check the same and at the same time 2-3 unknown young person came on a motor cycle out of which one was wearing a helmet who had a pistol in their hands. Thereafter, they started quarrelling with my son and started firing upon my son with the pistol which they were carrying with themselves. Due to the fear, my son Pankaj Kumar ran towards the plot of Balraj through the fields and when he started to run those unknown persons started firing indiscriminately at my son and due to the bullet injuries fell down in the field. Thereafter those unknown persons ran away from the spot on their motor cycle with their weapons. Then I made hue and cry due to which the villagers came to the spot and they got my son admitted by arranging a vehicle in the government hospital Bhuna for his treatment where my son was declared brought dead by the doctor. I got unconscious after seeing the dreadful death of my son. Now after becoming conscious, I have read and understood the statement which I had given my statement to you. A strict legal action be taken against all those unknown persons who have murdered my son by firing at him. I have read and understood the statement which is correct. Sd Somnath. ”

3. During investigation, the scene of crime team reached the spot and took into possession a Creta Car and 8 empty cartridges, one empty shell 9mm, one empty shell, one Samsung Galaxy A-50 mobile phone, one helmet and bloodstained soil.

On 09.10.2021, the supplementary statement under Section 161 Cr.P.C. of Rajesh alias Raja son of the complainant (brother of the deceased Pankaj Kumar) was recorded wherein, he raised suspicion on Vikram Nain,

**CRM-M-31644-2024****-3-**

Jagjeet alias Judge (petitioner), Vikram Bhambhu, Karamjit alias Golu, Sanjay alias Sanju, Aman Malik, Karan Singh and Hanuman alias Doctor regarding the murder of the deceased Pankaj Kumar.

On 21.10.2021, Karamjit alias Golu and Sanjay alias Sanju were arrested. Karamjit alias Golu disclosed the manner in which a conspiracy had been hatched in the fields of the petitioner-Jagjeet Singh alias Judge. In furtherance of the said conspiracy to murder the deceased, they had loosened the valves of the tires of the Creta Car of the deceased and after following him, Aman Malik, Karan Singh and Hanuman alias Doctor had fired shots upon the deceased.

Karamjit alias Golu and Sanjay alias Sanju got demarcated the place of occurrence. Sanjay alias Sanju got recovered 1 illegal pistol 0.32 bore, 2 magazines, 18 cartridges 0.32 bore and Karamjit alias Golu got recovered 10 cartridges.

Co-accused Parveen alias Pinni and Sukhjinder @ Sukha @ Sukhwinder were arrested. Parveen alias Pinni disclosed the manner in which the occurrence had taken place stating that the petitioner had given his motorcycle to the juvenile to be used in the occurrence. The conspiracy had been hatched in a room of the house of the petitioner and the dispute pertained to liquor contracts in the area as one of the contractors was Rajesh alias Raja, brother of the deceased. He also disclosed that the petitioner had given ammunition to co-accused Aman Malik, Karan Singh, Sanjay alias Sanju and Hanuman alias Doctor. Sukhjinder @ Sukha @ Sukhwinder also suffered a disclosure statement on similar lines.

**CRM-M-31644-2024****-4-**

Juvenile DXXX alias BXXX was apprehended and got recovered the Splendor motorcycle of the petitioner which had been used in the occurrence.

On 18.12.2021, Vikram Bhambhu was joined in investigation on the basis of production warrants and arrested. On 04.05.2022, Vikram Nain was arrested.

On 05.05.2022, the petitioner and Hanuman alias Doctor were joined in investigation on the basis of production warrants and suffered their disclosure statements explaining the manner in which the occurrence had taken place.

Vikram Nain had got recovered 5 live cartridges 0.32 whereas the petitioner got recovered 3 live cartridges 0.315 and 3 live cartridges 0.32 bore. Both of them demarcated the place where the entire conspiracy to kill Pankaj Kumar was hatched. Co-accused Hanuman alias Doctor got recovered 1 country-made pistol 315 bore, 2 live cartridges .315 bore and 1 empty shell 315 bore. The petitioner also demarcated the place where near the house of Rajesh alias Raja in Village Khasa Pathana a recce had been conducted. He also demarcated the place near the Surewala Chowk where he had brought ammunition to handover to Aman Malik.

On 06.05.2022, the test identification of the petitioner, Vikram Nain and Hanuman alias Doctor was conducted in the presence of Somnath (complainant) who had stated that he had seen the accused near his house in Village Khasa Pathana 2-3 times on 06.10.2021.

**CRM-M-31644-2024****-5-**

On 14.05.2021, Aman Malik was arrested and got recovered one illegal pistol 0.30 bore, one live cartridge 0.30 bore and one pulsar motorcycle from his Village Shamlo Kalan.

On 24.06.2022, Harkaran Singh alias Khan was arrested and got recovered one illegal pistol 0.32 bore, 3 live cartridges 0.32 and one pulsar motorcycle from his house.

One Ravi Hooda was exonerated.

The report under Section 173 Cr.P.C. was submitted on 18.01.2022 against five persons namely, Karmajit alias Golu, Sanjay alias Sanju, Sukhwinder alias Sukha, Parveen alias Pinni and Vikram Bhambhu. Thereafter, a supplementary challan was submitted against five persons namely, Jagjeet Singh alias Judge (petitioner), Vikram Nain, Aman Malik, Hanuman alias Doctor and Harkaran Singh alias Karan for offences under Sections 148, 149, 302, 120-B IPC and Section 25 Arms Act on 16.07.2022.

4. The learned Senior counsel for the petitioner contends that the statement of two material witnesses namely, Somnath (PW1) and Rajesh alias Raja (PW2) have been recorded and Somnath (complainant) admitted the fact that no test identification parade had ever been held. Two co-accused namely, Sukhjinder @ Sukha @ Sukhwinder and Parveen alias Pinni had been granted the concession of bail. As per the prosecution case, the petitioner is stated to have conducted a recce of the house of the deceased of which there is no evidence. The recovery of weapons had been planted upon him. As the petitioner was in custody since 05.05.2022 but only 11 of the 42 prosecution witnesses had been examined so far, the Trial of the present case was not

**CRM-M-31644-2024****-6-**

likely to be concluded anytime in the near future and therefore, he was entitled to the concession of bail.

5. On the other hand, the learned State counsel along with the learned counsel for the complainant while referring to the reply dated 07.11.2024 contend that the petitioner was one of the conspirators with the other co-accused to commit the murder of Pankaj Kumar (deceased). As per the case of the prosecution, some ammunition had been supplied by the petitioner to the co-accused and the petitioner's motorcycle had been used to go the office of Rajesh alias Raja where the tire valves of the car bearing Registration No.HR-23G-4184 had been loosened. The recovery of live cartridges of different bores had been effected from the petitioner. During the course of the test identification parade, the complainant had duly identified the petitioner as having been present near his house on the evening of 06.10.2021. The co-accused of the petitioner namely, Sukhjinder @ Sukha @ Sukhwinder and Parveen alias Pinni had been granted the concession of bail as their names were not mentioned in the statement under Section 161 Cr.P.C. of either the complainant or of his son Rajesh alias Raja whereas the petitioner was named by Rajesh alias Raja and therefore, the case of the petitioner was on a different footing. In addition, he contends that the petitioner was a habitual offender with two other cases registered against him arising out of FIR No.298 dated 21.08.2021 U/s 25-54-59 of Arms Act, P.S. Civil Line Sirsa and FIR No.221 dated 09.09.2021 U/s 307, 120-B, 34 IPC and Section 25 of Arms Act, P.S. Bhuna. He, thus contends that keeping in

**CRM-M-31644-2024****-7-**

view the nature of the allegations against the petitioner and his criminal antecedents, he was not entitled to the concession as prayed for.

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

7. Though, admittedly, the FIR does not name the present petitioner, however, during the course of investigation the statement of Rajesh alias Raja, the brother of the deceased and the son of the complainant was recorded to the effect that the occurrence had taken place at the instance of the petitioner and certain others. The co-accused of the petitioner who have been the granted the concession of bail have not been named by any witness but their names were disclosed by their co-accused upon their arrest. Therefore, the case of the petitioner is certainly on a different footing. Further, as per the prosecution case, the petitioner handed over the ammunition to the accused who committed the offence in question. The motorcycle used was of the petitioner. The petitioner is apparently one of the main conspirator. He is also an accused in two other cases as has been mentioned-above. Pursuant to the withdrawal of the first two bail applications of the petitioner, there have been no change in circumstances entitling him to the concession as prayed for.

8. Keeping in view the aforementioned facts, I find no merit in the present petition and therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

13.12.2024

JITESH

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