

**CRM-M-33821-2024**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-33821-2024****Date of Decision: 24.10.2024**

Jagdeep Singh @ Jaggan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Balram Prashar, Advocate
for the petitioner.

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.94 dated 24.06.2023, under Sections 307, 326, 323, 506 34 IPC registered at Police Station Doraha, Ludhiana.

2. The above-mentioned FIR was got registered on the basis of complaint made by Harmanpreet Singh son of Late Buta Singh. The contents of the FIR is reproduced herein below :-

"Stated that I am the resident of above stated address and I do the work of applying wallpapers on walls in the houses. My elder brother is namely Vicky who is aged about 20 years. My father Boota Singh has died. Yesterday on 23.06.2023, at about 7:15 PM, I along with my brother Vicky and many other people of the village and ladies were standing near the Shishya Wala Gurdwara Sahib of our village,



then my brother Vicky started drinking water from the water cooler near Sahib. Then in the meanwhile, a the Gurdwara Fortuner car bearing number PB-10-CZ-1230 color silver and a Swift Car color white having 2626 as its last digits came from Gurudwara Baba Shahida Ajnaud. The Swift car stopped about 50 yards behind and the Fortuner car was being driven by a person namely Hema of our village, who had hit the car directly into my brother Vicky who was drinking water at the water cooler with the intention of killing him and as the car hit him, my brother fell down. The Fortuner car got damaged from the front side due to hitting the iron pillar of the telephone installed there and the left tire of the vehicle got burst. Then Hema son of Geja, Jagan son of Sarinder residents of Rajgarh. Simran Mand resident of Bhuta, Goni resident of Ajnaud and one more unknown person got down from the Fortuner car and four other unidentified young persons' got down from the swift car. Jagan was armed with Kuhari (axe), Goni Was armed with Dah (Pruning cutter), Simran Mand was armed with Gandasi and Hema was armed with Baseball and the persons who got down from Swift Car they were armed with Sticks (Danda). All of them started beating my brother Vicky while he was lying on the ground. Jagan holding an axe in his hand, Goni holding a Dah (Pruning cutter) in his hand, Simran Mand holding a Gandasi in his hand and an unknown persons attacked my brother several times with a stick, due to which my brother suffered severe injuries over his neck, left ear, head, face, cheek, right arm, left arm, left thigh, then I raised hue and cry "Marta Marta", then seeing the gathering of the people around, all of the above said accused persons, while abusing and threatening to kill, left their Fortuner car at the spot and fled from the spot taking their another vehicle Swift and ran away from their spot along with their respective weapons. Then, my uncle Sukhpreet Singh and Jaswinder Singh Panch reached at the spot who picked up my brother Vicky in an injured condition and initially took him to Sidhu Hospital Doraha and then due to the bad condition of my brother, they took him to



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Apollo Hospital Ludhiana where my brother Vicky is under treatment. I later came to know that on 21.06.2023, at the tournament organized in our village, the above said person came in the car Swift and Micra car which belongs to Goni in the evening time, and they went away from there, after asking about my brother Vicky and Bui of our village. Sunny son of Kannu of our village is also involved with the above said persons and he told the above said people over phone about the location of my brother Vicky that he is standing near the Gurudwara. When they hit their Fortuner car in my brother Vicky, at that Time, Johri son of Buta Singh, Dayal Singh son of Balwinder Singh who had also come there to take water from the cooler near the water cooler, were also hit by the vehicle and sustained many injuries. The reason behind the grudge is that wife of Bui of our village is kept by Goni, due to which, Goni Soni and Bui have been keeping enmity against each other for a long time and my brother lives with Bui and some time ago, they had a quarrel, in which my brother Vicky and Bui and other persons inflicted injuries to Goni due to which today, Goni in connivance with his accomplices, after beating up my brother Vicky with the intention to kill him and inflicted injuries with their weapons to him. I have got recorded my statement to your good self, heard and is accepted as correct. His statement was read over to him, who accepted his statement as correct and signed under his statement in Punjabi, which was attested by me. As per MLR, doctor sahib has mentioned total 8 injuries and all are declared as Grievous and dangerous, from the MLR, contents of statement, offences under section 307/326/323/506/120-B/148/149 IPC are found to be committed. Statement is being sent to the police station Doraha by hand through PHG Somnath 17877 regarding registration of FIR under the above said offences and FIR got registered and the preliminary investigation was carried out by myself SI/SHO after reaching at the spot and after joining the persons present there into the investigation after informing them about the facts of the case, interrogated them. Then, in the presence of the



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persons present at the spot, and on the demarcation of the complainant of the case, visual site plan was prepared.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case. He further submits that the petitioner was not present at the place of occurrence and was only implicated due to enmity between the two groups. No injury has been attributed to the petitioner. He further submits that the petitioner has undergone actual custody of 01 year, 03 months and 18 days as on 20.10.2024 and there is one more case registered against the petitioner, in which he has already undergone the sentence.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 01 year, 03 months and 18 days as on 20.10.2024 and there is one more case registered against him, in which he has already undergone the sentence. Learned State counsel on instructions submits that the charges in the present case were framed on 30.03.2024 and out of 21 prosecution witnesses, none has been examined. He, however, submits that there are serious allegations against the petitioner and he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the charges were framed and no prosecution witness has been examined till date. The petitioner has undergone actual custody of 01 year, 03 months and 18 days as on 20.10.2024. Therefore, this Court is of the view that further incarceration of the petitioner would not serve



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7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

24.10.2024
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(KIRTI SINGH)
JUDGE