



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-35881-2024
Decided on :13.08.2024

JAGJIT SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Akshay Chadha, Advocate
for the petitioner(s).

Mr. Vinay Kumar, DAG, Punjab.

Mr. Mandeep Kaushik, Advocate for complainant.

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.85 dated 22.09.2023 under Sections 307, 341, 148 and 149 of IPC and Section 25 of Arms Act registered at Police Station Sadar Jodhan, District Ludhiana Rural.

2. As per the contents of the FIR, it is alleged as under:-

“Statement of Balwinder Singh son of Sohan Singh resident of Village Pamali, Police Station Jodhan age about 56 years, Mobile Number 85560-73729 stated that I am resident of above said address and doing agriculture. I have two sons. My elder son Sukhpal Singh has gone abroad and my younger-son Inderjit Singh, who age is about 29 years and is married and his wife has gone Canada. Inderjit Singh was learning the truck repair work at Pohir (Ahmadgarh) and he used to come home daily at after 9 O'clock at night. Today also when my son Inderjit Singh was coming back to home, when my son reached near Aare wala Chowk and at that time I was walking on the road at the outside of my house and it was



about 9:30 PM that persons, who were following the Baleno Car PB-10GS-6374 of my son on two bullet motorcycles, surrounded the car with intention to kill and shot 3-4 fires from rear side, out of which one bullet breaking through the seats hit at the back of my son Inderjit Singh. We took my son Inderjit Singh to DMC Hospital Ludhiana in the same vehicle who was injured due to bullet injury where he is undergoing treatment. I very well know all these persons, who are, Gurpreet Singh @ Guri son of Kulwant Singh resident of Sekhupura presently resident of Pamali, Simran Singh @ Rangar son of Gurpal Singh resident of Pamali, Jagjit Singh @ Jita son of Balwinder Singh resident of Lalton Kalan Narinder Singh @Harry son of Davinder Singh resident of Pamali, Jagdeep Singh son of Daljit Singh, resident of Pamali, all of our village. These aforesaid persons have with intention to kill have shot fires on my son after surrounding him on the way, who was coming home from his work. The reason behind resentment is that long time ago these persons have had a quarrel with my son due tractor towing (tractor tochan) and since then they have grudges towards my son. Legal action be taken against these above said persons and justice be done to us.xxx””

3. Learned counsel for the petitioner by referring to the cross-examination suffered by the victim submits that though he has owned statement mark ‘A’ but has disowned statement mark ‘B’ which prima facie shows improvement over the version as the statement later in time has been owned and the initial statement has been disowned by none-else but the victim himself. The petitioner has undergone an actual custody of 10 months and 18 days and has clean antecedents. He further submits that co-accused

Jagdeep Singh and Narinder Singh @ Harry have been granted concession

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of regular bail by Co-ordinate Bench of this Court vide order dated 15.07.2024 in CRM-M-26497-2024 and CRM-M-26535-2024.

4. Learned State counsel has filed the custody certificate dated 12.08.2024 in Court today, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 10 months and 18 days and there is no case registered against him. Moreover, on instructions from SHO Hira Singh, he submits that charges have been framed on 07.06.2024 and the next date fixed before the trial Court is 27.09.2024. He also submits that out of total 25 prosecution witnesses, only one has been examined till date. However, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner has undergone an actual custody of 10 months and 18 days and is not involved in any other case and has clean antecedents. Out of 25 prosecution witnesses, only one has been examined till date and the other co-accused(s) have been granted the concession of regular bail by the Co-ordinate Bench of this Court vide order dated 15.07.2024 in CRM-M-26497-2024 and CRM-M-26535-2024. Further, the trial of the case will take a considerable time and no useful purpose will be served by detaining the accused in custody.

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

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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 her 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.

(KIRTI SINGH)
JUDGE

13.08.2024

Kavita Nain

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*