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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37574-2024

Date of Decision:- 07.11.2024

Jaspreet Singh alias Jassi

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rahul Deswal, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Lakhvinder Singh, Advocate
for the complainant.

AMARJOT BHATTI, J.

1. Petitioner Jaspreet Singh alias Jassi has filed petition under Section 439 of Cr.P.C. for granting concession of regular bail to petitioner in case FIR No. 378 dated 31.12.2023 under Sections 323, 341, 506 and 34 of IPC (Sections 201, 307, 325, 302 of IPC added later on), registered at Police Station Sadar Ratia, District Fatehabad.

2. As per the facts of case, Singara Singh alias Mithu gave his statement that they are two brothers. His elder brother is namely Gulzar Singh. On 30.12.2023, at about 08:00 PM, entire family was present at home. Laddi son of Gulzar Singh called his brother Gulzar Singh on phone and called him outside in street. His brother went outside and after some time, he heard alarm. Immediately, he went out and saw Laddi son of

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Sukhdev and Raju son of Darshan Singh were standing and motorcycle was also parked by their side and his brother was lying on the ground and blood was oozing out from his head. Beside him, there was iron crowbar. Both Laddi and Raju escaped from there on their motorcycle. He arranged a vehicle and took his brother to Government Hospital, Ratia. He was referred to Agroha Medical and further shifted to Sarvodaya Hospital, Hisar for treatment. With these allegations, initially FIR was registered under Sections 323, 341, 506 and 34 of IPC. Later on, Gulzar Singh succumbed to injuries on 09.01.2024 and offence under Sections 302, 307, 325 and 201 of IPC were added. Name of present petitioner cropped up during the course of investigation on the disclosure statement of Jyona Singh alias Laddi.

3. Learned counsel for petitioner argued that initially he was not named by complainant. On the disclosure statement of Jyona Singh alias Laddi, he was arrested on 09.01.2024. No specific role is attributed to him. After completion of investigation, challan is already presented and trial of this case is likely to take some time. He cannot be kept behind the bars for indefinite time period. Record relied upon by prosecution is also not trustworthy as in rukka (Annexure P-2) which was sent to police, it was mentioned as case of road side accident. Later on, false story has been concocted to falsely implicate present petitioner. He will abide by the terms of bail order. Therefore, it is prayed that his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State.

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Mr. Lakhvinder Singh, Advocate also filed his Vakalatnama on behalf of complainant and same is taken on record. As per status report, it is conceded that in FIR initially Laddi and Raju were named and thereafter, in disclosure statement of Jyona Singh alias Laddi, present petitioner was named and specific role was attributed to him. Present petitioner was arrested on 09.01.2024 and his disclosure statement was also recorded. Deceased victim Gulzar Singh was admitted in different hospitals for treatment and ultimately, he succumbed to injuries. His Postmortem Report is Annexure P-7, showing cause of death in this case as “Coma due to head injury which is antimortem in nature and sufficient to cause death in ordinary course of nature”. It is argued that challan has been presented and trial is at initial stage. Considering the gravity of offence, petitioner is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record. FIR was registered on the statement of Singara Singh alias Mithu. Occurrence took place on 30.12.2023 at 08:00 PM, when deceased victim was called outside by Laddi and thereafter, complainant heard alarm and came out. He saw Laddi and Raju who managed to escape on their motorcycle. Name of present petitioner came into light on arrest of Jyona Singh alias Laddi who named present petitioner. Reason behind this occurrence was explained as previous enmity. After completion of investigation, challan is already presented. In subsequent status report, discrepancy in Rukka has been clarified by referring to entire medical record where it is mentioned as history of assault. Therefore, it was argued

that discrepancy in Rukka may be due to clerical error. Even otherwise, at this stage, no specific finding can be arrived at. Case is at initial stage. Statements of material witnesses are yet to be recorded. Therefore, at this stage, I do not find a fit case for grant of regular bail to petitioner – Jaspreet Singh alias Jassi and accordingly, petition filed by him is dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

07.11.2024
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(AMARJOT BHATTI)
JUDGE

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