



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-39126-2024

Date of Decision:-21.08.2024

Jaswinder Singh @ Jaggu.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Jagjit Singh Gill, Advocate for the Petitioner.

Mr. Naveen Sheoran, Deputy Advocate General, Haryana.

Mr. S.S. Brar, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this second petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.391 dated 29.10.2023 under Sections 147, 148, 307 IPC and Section 25 of the Arms Act, 1959 and deleted offence under Sections 147, 148 IPC and added offence under Section 34 IPC P.S. Kalanwali, District Sirsa.

2. The present FIR came to be registered at the instance of Bhola Singh and reads as under:-

“ Statement of Bhola Singh son of Chhota Singh resident of village Khatarawan age 48 years 7494901304 stated that he is resident of above given address. He does agricultural work My brother has a tractor repair shop on Tilokewala Kanchia. My brother has total three shops adjoining at Tilokewala Kanchia. In one shop he himself has a tractor repair shop and 2 shops are on rent to liquor contractor. In which there is liquor store. On 28.10.2023 at



about 7 pm I went to my brother Labh Singh's shop on Tilokewala Kanchia. Inside the liquor contractors shop contractor Jaswinder Singh alias Jaggu, Harman Singh son of Juppa Singh resident of village Sukhchain, Pargat Singh alias Kaka son of Raj Singh resident of village Raghuana and along with them there were three more persons drinking alcohol inside the liquor store and Vicky son of Jaswinder Singh alias Jaggu resident of village Sukhchain was also present inside the liquor shop. Sometime before Jaswinder Singh alias Jaggu was caught in a case of poppy husk and he had doubts that my brother Labh Singh made him caught. Due to which Jaswinder Singh alias Jaggu has rivalry with me. Then Jaswinder Singh alias Jaggu, Vicky, Harman, Pargat Singh alias Kaka and three unknown persons after drinking alcohol came out of the alcohol shop and on seeing my brother Labh Singh he said today I will teach you lesson because of you my poppy husk was caught. After saying this Jaswinder Singh alias Jaggu fired with the intention to kill my brother with the pistol in his hand and bullet hit my brother Labh Singh. Then everyone shouted and said don't spare him today he is still alive shot him one more time and then Jaswinder Singh alias Jaggu again second times fired at my brother Labh Singh and second bullet also hit my brother. When I shouted and ran to save my brother then Jaswinder Singh alias Jaggu fired at me with the pistol in his hand and bullet went away touching my hand afterwards when people started to gather with the noise of firing then all of the accused sat inside their car and tried to ran away which was standing inside the boundary wall of the alcohol store and I closed the door to stop them but they hit their car into the gate and all of the accused absconded in the car. Then I arranged a vehicle and admitted my brother Labh Singh to Government hospital Kalanwali where doctor gave him first aid and afterwards he was referred to Government hospital Sirsa. But we instead to admitting him in Government hospital Sirsa admitted him in City Health Care Sirsa where doctor said that my brother Labh Singh had serious injuries he was referred to higher centre and my younger brother Binder Singh took my brother to Adhar hospital Hisar for treatment and I went to Government hospital Sirsa for my treatment and

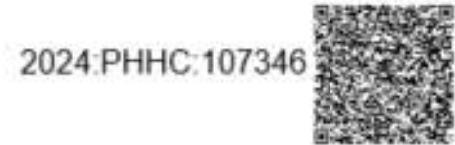


there doctor had done my treatment and discharged me. Now I was coming to police station Kalanwali, you met me on the gate, I recorded my statement to you, heard, found correct, legal action be taken against above said accused, Sd/- Bhola Singh”.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. As per the disclosure statement of the petitioner and co-accused Jasveer Singh @ Jassi (since granted regular bail vide order dated 17.05.2024 passed in CRM-M-20275-2024) Jaswant Singh (since granted anticipatory bail vide order dated 5.03.2024 passed in CRM-M-63817-2023) had fired pistol shots on the body of Labh Singh and the role attributed to the petitioner was that it was on his asking that Jaswant Singh had fired those shots. There was a delay of 01 day in the registration of the FIR. The medical evidence was contrary to the ocular account because of which the second medico legal examination had been conducted. As the petitioner was in custody since 30.10.2023 but none of the 14 Pws had been examined so far, the Trial of the present case was not likely to be concluded in the near future and therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that as per the FIR it was the petitioner who was the main accused and had fired shots at the injured. He was a serial offender with multiple other cases registered against him. Merely because he was in custody since 30.10.2023 did not entitle him to the concession of bail in view of the gravity of the offence. He however concedes that none of the 14 Pws have been examined so far.

5. The Counsel for the complainant has vehemently opposed the bail application contending that the petitioner had fired gunshots on the victim. As per the case of the prosecution he was the main accused. The



other accused had been granted the concession of bail as they had not been attributed any injury or had been nominated as accused on the disclosure statement of the arrested accused. Therefore, the case of the petitioner was distinguishable from that of his co-accused. He thus contends that the petitioner was not entitled to the concession of bail.

6. I have heard counsel for the parties.
7. As per the prosecution case, it was the petitioner who had fired at the injured Labh Singh. The disclosure statement of the petitioner that his co-accused had fired cannot be appreciated at this stage in view of the categorical averments of the FIR. In view of the seriousness of the allegations levelled against the petitioner and his criminal antecedents, merely because he is in custody since long does not entitle him to the concession of bail.
8. In view of the above, I find no merit in the present petition and the same stands dismissed.
9. However, keeping in view the attending facts and circumstances of the case, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.

(JASJIT SINGH BEDI)
JUDGE

August 21, 2024
Vinay

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