



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-M-46521-2024(O&M)
Date of Decision: 24.09.2024

JAGPREET SINGH ALIAS JAGGA

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. S.K. Verma, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking concession of regular bail in case arising out of FIR No.92 dated 12.11.2021 under Sections 307, 34 of IPC and Section 25 of Arms Act, 1959 at Police Station Dera Baba Nanak, Batala, District Gurdaspur, Punjab.

2. As per the prosecution case, on the night of 12.11.2021, the complainant - Mohan Singh along with his brother Didar Singh was present in his agricultural land as his brother was sowing wheat crop and he was helping him out. In the meanwhile, four persons, two of whom were wearing Parnas covering their heads reached there. Two of them had pistols in their hands and complainant identified them as Jagpreet Singh @ Jagga i.e. the present petitioner and Gurpeet Singh alias Gopi, both natives of his village. They immediately opened fire upon the complainant with an intent to kill him by firing shots with pistols which they were having. One bullet hit his left shoulder and another hit below his right knee. Blood started oozing out. His brother



raised alarm, on which the assailants fled away from the spot. He was taken to the hospital. During investigation the petitioner was arrested on 19.01.2023. An application for grant of regular bail as moved by him was dismissed by the Court of learned Additional Sessions Judge, Gurdaspur vide order dated 21.03.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is inordinate delay in reporting the matter to the police. The medico-legal-examination of the victim was conducted five days after the alleged occurrence. Neither of the injuries sustained by the victims are opined to be fire arms injuries. Only one injury had been declared to be grievous. No pellet/bullet was found on the person of the complainant. The petitioner was arrested in this case on 19.01.2023 when he was in custody in some other case. False recovery of a country made pistol and 03 live cartridges has been planted upon him. The trial is likely to take time since not even a single witness has been examined so far. His further detention would not serve any useful purpose. He has a permanent abode. There are no chances of his absconding. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

4. *Per contra*, learned State counsel who has advance notice of the petition and is ready to argue the matter has submitted that the petitioner is not having clean antecedents as three more criminal cases have been registered against him. He may intimidate the witnesses or may abscond if extended benefit of bail. Allegations against him are quite serious in nature. Hence, it is urged that the petition does not deserve to be allowed.



5. The petitioner has placed on record a copy of medico-legal-examination report as well as copy of opinion of doctor thereby mentioning the details of finding of bullets/pellets on the person of the victim and a perusal of the same reveals that the complainant had not sustained any fire arm injury and no pellet/bullet was found on his person when he was medico-legally-examined. Only 01 out of 05 injuries as found on his person has been opined to be grievous. It is debatable question as to whether any fire arm was used in the occurrence at all or not? The petitioner is in custody since 19.01.2023. Investigation has since been completed. The trial is likely to take time. There is no basis for the contention that he may intimidate the witnesses. The petitioner is indisputably involved in some other cases but is stated to be on bail in the same. Not even a single witness has been examined so far. Keeping in view this discussion but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

6. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

24.09.2024
Deepak Patwal

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No