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

CRM-M-59428-2023

Date of Decision: 04.09.2024

Jasbir Singh @ Fauji

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.227 dated 04.08.2020, under Sections 302/307/341/120-B/148/149 IPC and Section 25/27 of Arms Act, 1959 (Section 201 IPC and Sections 54/59 of Arms Act, 1959 added lateron), registered at Police Station City, District Tarn Taran.
2. Succinctly, facts of the case are that Paramjit Singh son of Balwant Singh lodged the complaint with the Police, wherein, it was alleged that on 03.08.2020, Jasbir Singh @ Fauji (petitioner) made a video of the complainant and his son and made it viral on social media in order to defame them. Thereafter, Panchayat was called and Jasbir Singh @ Fauji was also called there, who after compromising the case, gave assurance not to repeat the same in future. It was further alleged that however, on 04.08.2020 at about 12:00 noon, when the complainant and his son were going towards their house, they were way laid by the accused. Thereafter, Jaspal Singh and Jasbir Singh @ Fauji went to the roof top of house of Jaspal Singh, from



where, Jasbir Singh @ Fauji (petitioner) fired two gun shots on his son Sukhchain Singh. The same hit on his torso and he fell down. They shouted for help and all the accused ran away from the place of occurrence. The injured was shifted to the Hospital, however, he was declared brought dead. Request was made to take legal action. On the basis of the complaint, FIR was lodged and the investigation commenced. The petitioner was arrested on 07.08.2020. He approached the Court of learned Additional Sessions Judge, Tarn Taran praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 20.10.2023. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. It is submitted that the eye witnesses produced by the prosecution were not even present at the time of occurrence. It is submitted that the complainant is interested witness, who is none other than the father of the deceased. He submits that co-accused have already been granted bail by this Court and the petitioner is behind bars since the date of his arrest i.e. 07.08.2020 from the last more than four years. However, there is no substantial progress in the trial till date. He further submits that material witnesses have been examined by the trial Court. He submits that the petitioner has no criminal antecedent and thus, in the facts and circumstances when there is unreasonable delay in the trial, the petitioner deserves to be granted bail.

4. Learned State counsel has also opposed the submissions made



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by counsel for the petitioner. He has submitted that the case of the prosecution is based on the eye witness account, where father of the deceased is the author of the FIR, who has seen the occurrence. He submits that the petitioner is the main accused, who fired two gun shots. He further submits that on completion of the investigation, challan was presented and charges were framed, however, as on date, out of total 26 prosecution witnesses, only 04 witnesses are examined.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the occurrence in the present case had taken place on 04.08.2020 and the petitioner was arrested on 07.08.2020. Co-accused of the petitioner have already been granted bail in the present case. Needless to say that the petitioner is behind bars from the last more than four years. As stated before this Court, out of 26 prosecution witnesses, only 04 witnesses have been examined till date. Thus the trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The examination of 4 witnesses in four year's shows that the trial is progressing at snail's pace. The Hon'ble Supreme Court in ***Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695*** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely



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delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in ***Javed gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024***, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India. There is nothing on record showing that the petitioner is involved in other case.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.09.2024

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Whether Speaking/Reasoned :

Whether Reportable :

(RAJESH BHARDWAJ)**JUDGE**

Yes/No

Yes/No