

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.62693 of 2023

Sukhveer Singh @ Sukha

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.39590 of 2024

Hardeep Singh

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 11th September, 2024

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bijender Dhankhar & Mr. Kanisth Ganeriwala,
Advocates for the petitioners.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

Mr. S.K. Bishnoi, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed herein above are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.255 dated 30.08.2022 under Sections 147, 148, 149, 302, 307, 341, 427 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Kalanwali, District Sirsa. Since both these petitions emanate from the same FIR, they are being taken up together for disposal by way of this common order.



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2. Learned counsel for the petitioners have reiterated their submissions made on the previous date of hearing; even though petitioner Sukhveer Singh was arrested on 22.09.2022 and petitioner Hardeep Singh on 13.02.2023, and charges were framed on 02.08.2023, however, till date complainant, despite being summoned time and again, had failed to appear before the trial Court to testify. Learned counsel have submitted that in fact the complainant, who also is the wife of the deceased Jagraj Singh alias Gaji, is a proclaimed offender and that is one of the reasons why she has been repeatedly absenting herself before the trial Court. It has also been argued by the learned counsel that a perusal of the FIR in question, annexed as Annexure P-1, reveals that although the petitioners were named therein however, there was no specific attribution qua the petitioners with respect to the injuries allegedly sustained by the complainant or even the deceased. It has been further submitted that in the aforementioned facts and circumstances, there is no possibility of the trial concluding in the near future and thus, the petitioners deserve to be enlarged on bail.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer and submissions made by the counsel opposite, have reiterated the allegations levelled in the FIR, which stands reproduced hereunder:

*“Statement of Gurvinder Kaur W/o Jagraj @ Gaji
son of Atma Singh, Jat Sikh, resident of Hassu and aged*



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36 years, Mo. No.96887-00090. Stated, that I am resident of aforesaid address and do the household work. I have two girls and one boy. That the eldest daughter is Savneet Kaur, younger to her is Loveleen Kaur and the youngest boy is Sahibdeep Singh. My husband Jagraj Singh @ Gaji came out bail from Faridkot Jail on 08.06.2022. Yesterday dated 29.08.2022, in evening around 06:30 PM, I was driving my Innova car numbered HR-26BS-5007, Swift car numbered DL-3CCB-3544 was being driven by Sandeep son of Bhola Singh, resident of Sukhladi, district Bathinda and our tractor Fartrack numbered HR-25D-9544 was being driven by my husband Jagraj and my son Sahibdeep was sitting alongwith him on tractor. When we were going to our field, which falls on Aseer Road, when we reached bus stand in our village on Dessu Road, then Kalanwali Police including S.I. Bhoop Singh, Constable Satbir and three other employees, whose name I do not know, intercepted our tractor with their car and stopped it. Thereafter my husband turned his tractor towards Desu Road. When my husband reached near Dhani of Kulwant Singh son of Jagar Singh, then a Scorpio car numbered HR-26B-7171 was parked there, on seeing my husband's tractor they waylaid him. That car was being driven by Darshan Singh son of Joginder Singh, Jat Sikh, resident of Hassu. That on the passenger seat Hargobind Singh son of Bikar Singh, in the middle seat Hardeep @ Deepa son of Bikar Singh, Talwinder Singh @ Kala son of Darshan Singh, Lovepreet Singh son of Bagar Singh, Caste Majhabhi Sikh, Dharampreet Singh son of Bagar Singh, Caste Majhabhi Sikh, Kaka Singh son of Bogi Singh and on the last row seats Sukhbir @ Sukha son of Bakshish Singh, Majhabhi Sikh, Jacky Singh son of Pala Singh, Majhabhi



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Sikh, Vicky Singh son of Mukhtiar Singh, Majhabhi Sikh, all alighted from the car and Darshan Singh exhorted that he be killed today and should not be spared, right after which Hargobind Singh fired a shot on my husband Jagraj Singh, which hit him on left side of his neck. Apart from it Talwinder Singh @ Kala son of Darshan Singh and Hardeep Singh @ Deepa son of Bikar Singh, also fired from their respective pistols and apart from them, Darshan Singh, Lovepreet Singh, Dharampreet Singh, Kaka Singh, Sukhvir Singh @ Sukha, Jacky Singh and Vicky Singh, all aforementioned were holding club ('Lathi), stick, kirpan and swords. When my husband Jagraj Singh was shot, then due to bullet injury, my husband lost the control over tractor and due to imbalance tractor after collided with Scorpio car and it over turned and fell in a pit adjoining the road. In that field, cumin was planted. To save me from all aforementioned people, police accompanied my Innova car on the alternate route and said all of them are carrying weapons and they would kill her. That at this moment, Hardeep Singh son of Bikar Singh came in front of my car and Talwinder Singh and Hargobind Singh approached from the rear, Hardeep Singh attacked with Kirpan, he was holding on the front glass of my Innova car and in the meantime, all aforementioned people and Gurjant @ Rudha, Ex-Sarpanch, Laliyana, District Bathinda, Punjab, who had previous enmity with my husband, Sikander Singh son of Bogi Singh, Majhabhi Sikh, Gora Singh son of Darshan Singh, holding swords and Harman Singh son of Harbhajan Singh holding pistol approached near my car on his motorcycle and Gurjant Singh had pistol, who asked Hargobind Singh that she



should not be spared today. Upon which, Gurjant Singh placed the pistol that he had been holding, over my ear and said today we have finished your gangster husband. After which, I pleaded everyone with folded hands and requested that I have small children, please spare me, in the meanwhile, all aforementioned person with intention to kill me attacked my car, that I received an injury over head. In the meantime, crowd had gathered on the road and on seeing the crowd all aforementioned people ran with their respective weapons. The reason for attack, Darshan Singh's family had fired over my husband Jagraj Singh in the year 2013, in respect of which, case under Section 307 was registered and keeping a grudge about the same, yesterday my husband was killed and I was injured, had the police not been present at the spot, then I too would have been killed. People gathered around the road did not bother to rescue my husband and were mute spectators to the occurrence. Thereafter, police took me and my husband Jagraj Singh for treatment in their car to Government Hospital, Kalanwali, where doctor declared my husband Jagraj Singh as dead and after giving me first aid, referred me to Government Hospital, Sirsa. Thereafter on reaching Sirsa, after sometime I called Jagpal Singh son of Tejinder Singh, resident of M.C. Colony to the Government Hospital and accompanied him in his car alongwith my children to my village Hassu. Yesterday when you had come to my house in the night, due to being unwell, I left in car with my son-in-law (Sikander) and Jagpal Singh. That when you came Darshan Singh, Hargobind Singh, Hardeep Singh, Talwinder Singh, Lovepreet Singh, Dharampreet Singh, Kaka Singh, Sukhvir Singh, Jacky Singh, Vicky Singh,



Gurjant Singh, Sikander Singh, Gora Singh and Harman Singh, all aforementioned people killed my husband and attacked me with intention to kill and have committed a serious offence. Strict action be taken against all aforementioned and justice be served to me. I have got recorded my statement in front of my family. I have read my statement, heard it and have understood it which is correct. Sd/- Gurvinder Kaur”

4. Learned State counsel, on instructions, has conceded that the complainant is involved in some criminal cases and has since been declared a proclaimed offender. The stage of the trial has not been disputed and it has also been submitted that as many as 28 witnesses have been cited by the prosecution. Learned counsel for the complainant has asserted that although the petitioners have not been attributed any injuries on the person of either the deceased or the injured, however, petitioner Hardeep Singh was armed with a sword and attacked the vehicle of the complainant party.

5. Learned State counsel has, on further instructions, submitted that while petitioner Sukhveer Singh is involved in 4 other criminal cases (3 cases under the Arms Act and 1 for offences under Section 323 IPC etc.), petitioner Hardeep Singh is involved in 6 other criminal cases (5 under the Arms Act and 1 under Section 174A IPC).

6. I have heard learned counsel for the parties and perused the relevant material on record.



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7. The instant case is based on ocular testimony of the complainant. However, it is a matter of record that initially the complainant despite being summoned repeatedly failed to appear before the trial Court to testify and subsequently she has now been declared proclaimed offender in some other criminal case which stands registered against her. In the aforementioned facts and circumstances, it is unlikely that the trial would conclude anytime in the near future, keeping in view that other than the complainant, 27 other witnesses have been cited by the prosecution. This Court, thus, deems it fit to extend the concession of bail to the petitioners. Both the petitions as such are allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add here, in case the petitioners misuse the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

September 11, 2024
rps

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