

106+225 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-8019-2025(O&M)
Date of Decision: 24.03.2025

Jagdev Singh ...Petitioner

VS.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Robin Dutt, Advocate with
Mr. Bhanu Sharma, Advocate for the complainant.

N.S.Shekhawat J. (Oral)

CRM-11117-2025

1. Application is allowed as prayed for subject to just exceptions.

Annexure P-4 is taken on record.

CRM-M-8019-2025

1. The petitioner has filed the second petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.161 dated 15.04.2024 registered under Section 307 of IPC and Section 25 of Arms Act, 1959, at Police Station Dabwali Sadar, District Dabwali.

2. Learned counsel for the petitioner contends that the petitioner had applied for grant of bail before this Court, vide CRM-M-56708-2024 and the

said petition was disposed off on 20.11.2024. He further contends that at the time of consideration of the first bail application, no witness was examined and even he had just undergone 7 months of custody. He further contends that now, in the present case, out of total 17 witnesses, the complainant, eye-witnesses and the injured have already been examined and there are no chances of tampering with the prosecution evidence. Moreover, the petitioner has already undergone more than 11 months of custody and the trial Court has not progressed much. This may also be taken as a change of circumstances in the present case.

3. The FIR in the present case was registered on the basis of the statement made by Pardeep Singh and the same has been reproduced below:-

“That on dated 15.04.2024 a report was received by post to the police station that Kuldeep Singh son of Joginder Singh had received an gun shot injury who has been referred from Govt Hospital Dabwali to Bathinda. ASI Sushil Kumar No.08 / FTB was informed, that ASI Sushil Kumar no.08 / FTB then obtained the Medical Ruqqa as well as MLR from Government Hospital Dabwali. Then ASI Sushil Kumar No.08 / FTB along with SPO Mukesh Kumar tried to contact on the mobile number given by the injured and came to know that injured Kuldeep Singh is admitted in Bathinda neuro spine and trauma centre, Bathinda. Reaching thereto the inquiry was made to the doctor about the condition of the injured who stated him to be unfit, but the brother in law of the injured namely Pardeep Singh son of Raguraj Singh son of Alvel Singh resident of Village Matdadu was present who got his statement recorded, which is mentioned below. Stated that I am resident of the above said address and I am an agriculturist and have ancestral land in village Matdadu, I was constructing a room in my field and my brother-in-law Kuldeep Singh son of Joginder

Singh Village Kaur Singh Wala, Bathinda had visited to help me. Parveen Kumar son of Angrez Singh resident of Matdadu was also with me. At that time Jagdev Singh son of Sukhdarshan Singh resident of village Malkhana Police Station Talwandi, Bathinda came there and said that you are constructing room in my land and I will not let you construct the same and when the complainant tried to persuade him, but he became furious and took out a pistol and told to his brother-in-law that he will teach a lesson for taking possession. Thereafter, all of us started running from there but after covering some distance Kuldeep Singh fell down. Jagdev Singh fired a gun shot at Kuldeep Singh with the intention to kill him and the bullets hit my brother-in-law's stomach, legs, hands and other parts of the body. My brother-in-law fell down and Jagdev Singh fled from the spot with his pistol and left his motorcycle at the spot. I left him there and arranged for some transport and took my brother in law to a government hospital where he was referred to Bathinda. We admitted him to Bathinda Neuro Spine and Trauma Centre Hospital in Bathinda where Kuldeep is being treated upon hence he cannot get his statement recorded. I have got my statement recorded. Due to the Land dispute Jagdev Singh has shot my brother-in-law Kuldeep Singh with intention to kill him. Appropriate legal action should be taken against him. I have got recorded my statement, which is correct. Sd/- Pardeep Singh.”

4. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case due to previous enmity between the parties. Learned counsel further contends that the petitioner was wrongly arrested by the police in the present case on 15.04.2024 and now during the course of trial, all material witnesses have been examined by the trial Court. Learned counsel further contends that the injured in the present case has already

been discharged and the custody of the petitioner will not serve any meaningful purpose.

5. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a hardened criminal and may not be released on bail. Even on earlier occasion, one FIR under Section 447/506 of IPC was ordered to be registered against the present petitioner. However, the petitioner is on bail in the said case.

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

7. In the present case, the petitioner has undergone more than 11 months of actual custody and admittedly, the complainant and the injured in the present case have been examined by the trial Court. Only the official witnesses are yet to appear before the trial Court and the petitioner, being a rustic villager, is not in a position to influence the witnesses of the prosecution. Moreover, the prosecution has failed to produce any material to show that the petitioner may abscond from the process of law.

8. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the

facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(N.S.SHEKHAWAT)
JUDGE

24.03.2025
hemlata

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