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

CRM-M-8744-2025

Date of decision : 05.04.2025

Sajan Kalyan @ Daddu @ Lalli

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Umesh Aggarwal, Advocate
for the petitioner (through V.C.).

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present is the second petition filed by the petitioner praying for grant of regular bail in case FIR No.81 dated 12.03.2021, under Sections 302,148, 149, 506, 120-B of IPC and Sections 25/27 of Arms Act, registered at Police Station Ranjit Avenue, District Amritsar.

2. Succinctly the facts of the case are that the present case was registered on the statement of Dilbag Singh S/o Ninder Singh. Primarily, it was alleged that on 11.03.2021 at about 7:45 PM, he along with his younger son, namely, Sachinbir Singh and elder son, Jashanbir Singh @ Jassi (deceased) departed from his house on their motorcycles. On the way, they were waylaid by the accused i.e. Chanchal @ Kala, Sunny Paddar, Dani, Tuti and Sajan Kalyan @ Daddu @ lalli (petitioner). On seeing them Dani raised lalkara whereas Chanchal @ Kala with an intention to kill, fired from his pistol which hit his elder son Jashanbir Singh @ Jassi, in the chest. Thereafter, Daddu fired second round, which



hit in his back. They raised alarm and hence, the assailants escaped from the scene of occurrence. They shifted Jashanbir Singh to Gurunanak Dev Hospital for treatment, however, he was declared dead. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. Postmortem of the dead body was conducted. The petitioner was arrested on 04.01.2023. He approached the Learned Additional Sessions Judge, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Amritsar vide order dated 01.11.2023. Aggrieved by the same, the petitioner earlier approached this Court by way of filing CRM-M-6300-2024, which was dismissed as withdrawn vide order dated 11.07.2024. Hence, the petitioner is before this Court praying for grant of bail by way of filing of second present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that though in the present FIR, he was alleged to have fired in back of the deceased, however, during investigation it was concluded by the investigating agency that it was co-accused, namely, Shamsher @ Dani who fired at the deceased and not the petitioner. He thus, submits that the petitioner, at the time of filing of challan, was kept in Column No.2 as he was declared innocent. He submits that during investigation, the complainant was examined before the trial Court as PW-4 and on his examination, application under 319 Cr.P.C. was filed for summoning the petitioner to face the trial and the same was allowed. He submits that on summoning by the trial Court under Section 319 Cr.P.C., the petitioner is now facing trial. He submits that co-accused Chanchal @ Kala and Shamsher @ Dani, who as per investigation had been alleged to



have fired at the deceased, have already been granted bail by this Court vide orders dated 24.01.2025 and 16.12.2022 passed in CRM-M-35822-2024 and CRM-M-58082-2022, respectively. To buttress his arguments, he has submitted that Sachinbir Singh PW-8 has not supported the case of the prosecution and thus, has been declared hostile. It is submitted that in the overall facts and circumstances of the case the petitioner, who was summoned under Section 319 Cr.P.C., deserves to be granted bail *de hors* the fact that the petitioner is facing prosecution in multiple cases.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the petitioner was specifically alleged to have fired in the back of the deceased. However, he submits that during investigation it came in the findings of the investigating agency that it was Shamsheer who fired and not the petitioner and hence, he kept in Column No.2. However, on hearing both the sides the trial Court summoned the petitioner under Section 319 Cr.P.C. He has placed on record the custody certificate of the petitioner and submits that petitioner is facing prosecution in about 25 other cases and thus, he is a habitual offender. He submits that no case for granting bail to the petitioner, is made out.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case on investigation had been declared innocent and was kept in Column No.2. However, it was during trial he was summoned under Section 319 Cr.P.C. The co-accused, who had been alleged to have fired at the deceased, have already been enlarged on bail by this Court. As submitted by learned State counsel, out of total 24 prosecution witnesses, 13 witnesses have been examined One of the eye-witness i.e. Sachinbir, also not supported the case of the



prosecution. The custody certificate produced would show that the petitioner has suffered an incarceration of 02 years 02 months and 29 days as on 02.04.2025. Though as reflected from the custody certificate, he is facing prosecution in 25 other cases that in itself cannot be a ground for non-consideration of his bail in the present case, when the Court is convinced on the facts and circumstances of the case in hand.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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. 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.

05.04.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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