

2025:PHHC:057984



211.

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

CRM-M-16127-2025

Date of decision: 02.05.2025

Jasmail Singh @ Popal

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ranbir Singh Sekhon, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab, with
Inspector Jaswinder S. Brar, and ASI Vinod Kumar.

Mr. Padamkant Dwivedi, Advocate, for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is 3rd petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.02, dated 01.01.2018, under Sections 307, 452, 323, 324, 148, 149 of IPC (Sections 326, 325, 427, 450, 201, 120-B of IPC added lateron), registered at Police Station Guruharsahai, District Ferozepur.
2. The allegations against the petitioner pertained to a brutal and premeditated assault on Vinay Kumar (complainant) resulting in grievous injuries with sharp-edged weapons.
3. The FIR (Annexure P-1), lodged initially against unknown persons, records that on the evening of 26.12.2017 at about 09:00 PM, six unknown assailants arrived in a scorpio vehicle at the shop of the

complainant and inflicted serious injuries with sharp and blunt weapons with an intent to kill him. The complainant suffered 17 injuries, many of which were grave in nature as is documented in his MLR. Despite initial efforts by the police, no statement could be recorded from the injured due to his medical condition, and the first substantive account from the complainant emerged later during the course of investigation.

4. Learned counsel for the petitioner has submitted that it is evident from a perusal of the FIR that it was registered against unknown persons and no suspicion was raised qua the involvement of the petitioner in the occurrence in question. The petitioner was implicated for the first time nearly two years after the alleged occurrence, based on a supplementary statement of the complainant and disclosure statements of co-accused. Strangely, the injured-complainant did not make any immediate statement to the police despite being declared medically fit, and the delayed identification of the petitioner, therefore, raises serious and genuine doubts about its authenticity.

5. It has been submitted that the petitioner has been in custody since 26.03.2022 and the trial is progressing at a tardy pace; there is no direct admissible evidence to conclusively link the petitioner to the offence in question, and hence, he deserves the concession of bail.

6. At this stage, Mr. Padamant Dwivedi, Advocate, has entered appearance on behalf of complainant and filed his Power of Attorney in Court today, which is taken on record.

7. *Per contra*, learned State counsel assisted by learned counsel appearing on behalf of the complainant have opposed the prayer and submissions made by the counsel opposite. It has been submitted that the present case involves a meticulously planned and executed attack as part of a deep-rooted conspiracy orchestrated by multiple accused persons. Petitioner is the main assailant, who not only led the assault but personally inflicted grievous injuries on the complainant with a specially made sharp-edged weapon (*kappa*). His involvement has emerged from the supplementary statement of the complainant recorded on 15.10.2019, in which he specifically named the petitioner as one of the main attackers. The disclosure statements of co-accused, particularly Navdeep Singh @ Gora, gave detailed accounts of the planning and execution of the crime, directly implicating the petitioner as the organizer and active participant in the attack. It has been further submitted, on instructions, that the petitioner was duly identified by the complainant in a test identification parade. Furthermore, the weapon used in the crime was also recovered at the instance of the petitioner. While further drawing the attention of this Court to the reply filed by way of an affidavit dated 27.04.2025 of Fateh Singh Brar, PPS, Deputy Superintendent of Police (Inv.) Ferozepur, on behalf of respondent-State, it has been submitted that the call detail records corroborate the petitioner's proximity and coordination with other co-accused, particularly Kamal Narain, who facilitated the arrival of the assailants at the scene of crime.

8. It has been also brought to the notice of the Court that the petitioner was declared a proclaimed offender vide order dated 19.08.2021 and it is only that after he was arrested, a supplementary challan was presented against him.

9. It has been vehemently urged that keeping in view the gravity of the offence, the nature of the injuries inflicted, and the role of the petitioner as the prime executor of the conspiracy, and furthermore, being a man of criminal antecedents and a part of a dreaded gang of criminals operating in Punjab, the petitioner be not extended the concession of bail as there is every likelihood that he could abscond or yet again be involved in some other crime, thereby prolonging the conclusion of the trial in the present case.

10. I have heard learned counsel for the parties and perused the material placed on record.

11. The complainant suffered 17 injuries, many of which were on vital parts of the body and inflicted with specially made sharp-edged weapons. The ferocity of the attack and the circumstances clearly prima facie attract the offence under Section 307 IPC, amongst others. Furthermore, the material on record points to the petitioner as being a key conspirator and the main assailant. The statement of the co-accused, corroborated by the supplementary statement of the complainant and the test identification parade prima facie point to the involvement of the petitioner in the crime in question.

12. It is significant to notice that the present case was initially investigated seemingly in an indifferent manner, which appears to have severely compromised the integrity of the investigation at the initial stages. The FIR, registered against unknown persons, could not progress for a prolonged period despite the gravity of the attack. The cryptic nature of the initial investigation seems to have necessitated the formation of a Special Investigation Team (SIT). The SIT, upon taking over, unearthed a deeper conspiracy involving multiple accused, including the petitioner, whose role appears to be central. The evidence collected by the Investigating Agency including the disclosure statements of the co-accused and the call detail records prima facie reinforce the prosecution case and the involvement of the petitioner in the crime.

13. Furthermore, the petitioner remained absconding for a substantial period and was declared a proclaimed offender on 19.08.2021. His conduct, particularly in evading arrest and transmitting the investigation, disentitle him from being extended the concession of regular bail at this stage.

14. Given the gravity of the allegations and the alleged role attributed to the petitioner of being the central figure in a planned assault, this Court concurs with the submissions and prayer made by the counsel for the State that there exists a credible apprehension that his release at this stage may prejudice the ongoing trial.

15. In light of the overall circumstances, including the nature of the offence, the petitioner's specific role, the corroborative material in the

form of identification, recovery, call detail records, and the earlier lapses while investigating the case leading to the formation of the SIT, this Court does not deem it fit to extend the concession of bail to the petitioner.

16. Present petition stands dismissed accordingly.

17. 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.

(MANJARI NEHRU KAUL)
JUDGE

May 02, 2025
sanjeev

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