



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

107+233

CRM-2472-2025 in/and
CRM-M-27639-2024
Date of decision: January 22nd, 2025

Jagjeet alias Jitu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-2472-2025

Prayer in this application is for placing on record statement
of complainant as Annexure P-3.

Application is allowed subject to just exceptions.

Annexure P-3 is taken on record.

CRM-M-27639-2024

Petitioner is seeking the concession of bail under Section
439 of the Code of Criminal Procedure, 1973 in FIR No.91 dated
27.03.2022 under Sections 307, 427, 341, 506, 34 of the IPC registered
at Police Station Sadar Ratia, District Fatehabad.

2. Learned counsel for the petitioner submits that the
petitioner has been languishing in custody since 30.07.2022.

While drawing the attention of this Court to the allegations levelled in
the FIR (Annexure P-1), it has been argued by the learned counsel that

although it has been falsely alleged that the petitioner was one of the three boys, who came on a motorcycle and then one of the three, fired towards the injured-complainant Ravinder Kumar, however, even assuming for the sake of arguments, though not conceded, that the petitioner was one of the three persons, who came to the spot on the motorcycle, there is no role much less any injury attributed to the petitioner in the occurrence in question. It has been further submitted that it was one co-accused Sonu, who had not only been attributed a motive to carry out the crime in question but the alleged firearm injury also has been attributed to him. Learned counsel submits that since the complainant, who is the most material witness in the present case, stands examined, further incarceration of the petitioner would serve no useful purpose as 34 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has reiterated the allegations levelled in the FIR in question, which stands reproduced hereinunder:

“Statement of Ravinder Kumar @ Ginnu son of Bhoop Singh son of Jawala Ram resident of Lali aged about 28 years mobile No. 97103-88880, stated that I am resident of above mentioned address, I am matric pass and works as Agriculturist. Yesterday dated 26.03.2022 at about 9.15 PM in the night I, Principal @ Prince son of Kulbir Singh resident of Chimmo, Jaspal son of Kewal, R/o Chimmo, Sonu son of Pappu r/o Lali and Charanjit @ Mannu son of Ramesh Kumar R/o Rattakhera riding on a car bearing registration No. HR-26-EH-3050 were started from my house Lali and when we moved, one silver motorcycle splendor was stopped in front of

our vehicle on which three persons were sitting. We followed the motorcycle than the rider of the motorcycle switched off the motorcycle and we searched that motorcycle till Lali government school but we could not found the motorcycle and when we are coming back and when we reached near the house of Om Parkash son of Gela Ram than on the above said motorcycle Sonu Sandha son of Buta Singh @ Bhupinder Singh R/o Shekhopur Sohtak, Jagjeet @ Jitu son of Balbir Singh r/o ward No. 15, Ratia and Sucha Singh R/o Sehnal were there who are earlier known to me. Such was driving the motorcycle, Jitu was sitting in the mid and after both of them Sonu Sandha was sitting. Sonu Sandha who was carrying a pistol in his hand fired with intention to kill me which is hit on my right shoulder. After doing the fire all three ran away on the motorcycle. The grudge is that I have a fight with a boy named Handi in my marriage with regard to the girls performing in orchestra which was later on settled but Sonu Sandha was the supporter of Handi r/o Tamaspura, Sonu Sandha was not happy with that compromise and who regularly threatened me while calling on phone. Due to this fire the rear window glass backside to the driver side of car bearing No. HR26-EH-3050 was also broken. My companions got admitted me in government Hospital Fatehabad while riding in the same car for treatment. Now you have come I have got recorded my statement to you. Legal action be taken against Sonu Sandha, Jitu and Sucha above said.”

4. It has been submitted that although no specific injury or role has been attributed to the petitioner in the crime in question,

however, after firing towards injured Ravinder Kumar, all the three had fled away from the spot on a motorcycle.

5. On a pointed query put to the learned State counsel as to whether the petitioner was alleged to be armed with any weapon, he, on instructions, has replied in the negative. Learned State counsel has, on further instructions, has not disputed the custody period of the petitioner nor has it been disputed that the most material witness in the present case i.e. the complainant stands examined. Learned State counsel, on instructions, has however, submitted that the petitioner is facing trial in another case under Section 307 of the IPC.

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

7. In the present case, the petitioner is not alleged to have inflicted any injury on the injured-complainant nor is it the case of the prosecution that the petitioner was riding the motorcycle at the relevant time. The petitioner is not even alleged to have been armed with any weapon much less lethal at the time of the alleged occurrence. Furthermore, the petitioner has been in custody for more than two years having been arrested on 30.11.2022 and the possibility of the trial concluding in the near future looks unlikely.

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

9. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

January 22nd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No