



CRM-M-49841-2021
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-49841-2021
Decided on: 07.03.2025

Jagpal and others ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lokendra Singh, Advocate
for the petitioners.

Mr. Aashish Bishnoi, DAG, Haryana.

Mr. R.P.S. Jammu, Advocate (Legal aid counsel)
For respondents No.2 to 4.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
140	15.10.2017	Garhi, District Jind	195/34 IPC

1. Seeking cancellation of bail granted to the accused/respondents No.2 to 4 in the FIR captioned above, the aggrieved persons have come up before this Court under Section 439(2) of the Code of Criminal Procedure, 1973 (CrPC).

2. Vide order dated 18.08.2021, the trial court had granted bail to the accused/ respondents No.2 to 4 on the grounds mentioned in the following paragraphs of the impugned order:

“7. The applicants have been summoned by the learned Predecessor of this court for facing trial for commission of offence punishable under section 195 of IPC vide order dated 9.3.2021. It is the allegation against them that applicants being police officials and associated in the investigation of the case, were aware of the fact that gun being carried by HC Ravinder (applicant) was handed over to him by Balwant Singh, whereas they created a scenario that said gun was of Bhagel Singh and showed the same gun (of Balwant Singh) recovered from accused Jagpal, falsely and also fabricated a recovery memo in that respect. Though ASI Rajesh Kumar (applicant) was not investigating officer on the date of



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recovery, yet he abstained from investigation only for that date and resumed investigation of this case.

8. There is allegation against the applicants who are police officials and associated in the investigation of the case that they created false evidence against accused Jagpal Singh in collusion with complainant Balwant Singh and Bhagail Singh. They have been summoned by the court for facing trial for commission of offence under section 195/34 IPC. They are not required for any investigation purposes. They have appeared and surrendered in the court today after receiving the summons from the court being law abiding citizen. Applicants have roots in the society as they have permanent government job and settled with their families. Hence, there is no likelihood of the applicants from fleeing away from the jurisdiction of the court. The charges against the applicants are yet to be proved during the trial of the case. The trial of the case will take its own course to conclude.”

3. Petitioners’ counsel seeks cancellation of bail on the grounds that despite considering serious nature of allegations it was not justifiable for the Court to grant them bail and such order is cryptic, perverse and illegal.

4. The accused counsel submits that the bail may not be cancelled and this Court may impose any stringent conditions in addition to the conditions imposed by the trial Court.

5. In the facts and circumstances peculiar to this case, and for the above reasons, no grounds exist to cancel the bail, however this court is of the view that some more conditions can be imposed upon the accused.

6. Given the nature of the allegations and the other circumstances peculiar to this case, the respondents No.2 to 4 shall not enter the victim's property, workplace, and residence until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrI.) 458; and *Aparna Bhat v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

7. Till the completion of the trial, the convict/respondents No.2 to 4 shall not contact, call, text, message, remark, stare, stalk, make any gestures or express any unusual or inappropriate, verbal or otherwise objectionable behavior towards the victim and victim’s family, either physically or through phone call or any other social media,

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through any other mode, nor shall unnecessarily roam around the victim's home and workplace.

8. Petition is disposed of with the terms mentioned above. All pending applications, if any, stand disposed of.

9. Registry to communicate this order to respondents No.2 to 4 through the trial Court.

10. The concerned officer/official of the Legal Aid Service Authority to ensure payment of remuneration of legal aid counsel well in time in advance with rules.

(ANOOP CHITKARA)
JUDGE

07.03.2025
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Whether speaking/reasoned:	Yes
Whether reportable:	No.