



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

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CRM-M-46297-2024

Date of decision: 06.02.2025

Jobanjeet Singh @ Joban

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajesh Kapila, Advocate and
Ms. Himani Kapila, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.109 dated 07.05.2022 under Sections 307, 353, 186, 506, 148, 149 of the IPC, 1860 and Sections 25, 27 of the Arms Act, 1959 registered at Police Station Jandiala, Amritsar Rural.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 07.05.2022 for allegedly firing towards the complainant, a police constable; allegedly the firearm injury attributed to the petitioner was sustained in the abdomen of the injured complainant. Learned counsel submits that all the other co-accused have already been extended the concession of bail, however, the petitioner has been languishing in custody ever since the charges



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were framed on 05.04.2023 as not even a single prosecution witness out of the 17 cited, has been examined so far.

3. *Per contra*, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Rachhpal, has not disputed the custody period of the petitioner nor has it been disputed that after the charges were framed on 05.04.2023, the case was being repeatedly adjourned by the learned Trial Court before the learned Trial Court on account of the non-appearances of the prosecution witnesses, including injured Satnam Singh. Learned State counsel has, however, reiterated the allegations levelled in the FIR in question which stand reproduced hereinunder:-

“Statement of ASI Jaspal Singh No.1695/Batala, P.S. Sadar Batala, Police Station Batala, aged about 55 years, Mob.9988901695/ Stated that I am posted at Sadar Batala Police Station and today I alongwith HC Vikram 3028, Ct. Karan Sharma 2103, Ct. Jagdeep Singh 2961, Ct. Amandeep Singh 3276, Ct. Satnam Singh 2288, L/HC Baljit Kaur 3295 on government vehicle bearing No. PB-65A-7366 being driven by PHC Parkash Singh 1939 and private car under control of ASI Sukhjinder Singh 2503, with regard to investigation and in search of accused in case FIR No.42/2022 U/s 452,324,323,427,336,148,149 IPC and 25,27,54,49 Arms Act, P.S. Sadar Batala were reached at Village Akalgarh Dhapia, where secret informer met ASI Sukhjinder Singh and informed that on 10.04.2022, when Gurmej Singh etc. after committing crime came at village Mulliawal, on that day. Sherpreet Singh @ Gulaba s/o Avtar Singh, R/o Dashmesh Nagar (Lola), District Amritsar and Ajaypal Singh s/o Bhagwan Singh, Vishaldeep Singh s/o Sucha Singh, residents of Akalgarh Dhapia were also alongwith them and they were also went alongwith them at Village Mulliawal. On the basis of information of secret informer, ASI Sukhjinder Singh included the name of Ajaypal Singh and Sherpreet Singh @ Gulaba, Vishaldeep Singh as an accused and secret informer also informed that the wanted accused in your case Gurmej Singh, Sukhpreet Singh @ Sukh sons of Sukhdev Singh, Vishaljeet Singh s/o Sucha Singh, Ajaypal Singh s/o Bhagwan Singh, Sajan s/o Mangal Singh,



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Lovepreet Singh s/o Surjit Singh, Harpal Singh @ Bhullo, residents of Akalgarh Dhapia, Jobanjit Singh @ Joban s/o Balkar Singh, R/o Adda Daduana Rasulpur, Sherpreet Singh @ Gulaba s/o Avtar Singh, R/o Dashmesh Nagar (Lola) District Amritsar at that time on their motorcycle and car went on the motor of Harjeet Singh s/o Santokh Singh, R/o Wallah Di Motor and making conspiracy for saving themselves from arresting. Under the supervision of ASI Sukhjinder Singh, raid was conducted at 7.00 a.m. on the abovesaid motor, where 9 young persons were standing near the motor room and on seeing the police party that if you will come forward to arrest us, then you will face dire consequences, in the meantime 03 young persons after taking out pistols started firing towards the police party with intention to kill and out of that fire one fire hit on the stomach of Ct. Satnam Singh 2288/Batala, but despite of being injured with the bullet injury, Ct. Satnam Singh 2288/Batala, got apprehended the person who fired shot and with the help of Ct. Jagdeep Singh 2961 got apprehended alongwith country-made pistol (Katta) and remaining police party very cleverly follow these young persons, out of them, the second young person who fired towards the police party got apprehended by Ct. Karan Sharma 2103 and Ct. Amandeep Singh 3276 alongwith pistol and one young person empty handed got apprehended by me and because of injury suffered by Ct. Satnam Singh 2288/Batala, one person who fired take the benefit of same and alongwith other companions succeed in running from the spot with their deadly weapons. The person caught by Ct. Amandeep Singh 3276, Ct. Karan Sharma 2103 alongwith country made pistol presented before ASI Sukhjinder Singh and asked about their names and address and the person who got injured the Ct. Satnam Singh with fire arm disclosed his name as Jobanjit Singh @ Joban s/o Balkar Singh, R/o Adda Daduana Rasulpur and the person who got caught by Ct. Karan Sharma 2103, Ct. Amandeep Singh 3276 alongwith one country made pistol, disclosed his name as Sherpreet Singh @ Gulaba s/o Avtar Singh r/o Dashmesh Nagar (Lola) District Amritsar and the person who is empty handed apprehended by ASI Sukhjinder Singh, disclosed his name as Ajaypal Singh s/o Bhagwan, R/o Akalgarh Dhapien and on the strict enquiry by ASI Sukhjinder Singh, all the three young person disclosed the names of persons, who ran away from the spot as Gurmej Singh, Sukhpreet Singh @ Sukha sons of Sukhdev Singh, Sajan s/o Mangal Singh, Lovepreet Singh s/o Surjit Singh, Harpal Singh @ Bhullo, Vishaldeep Singh s/o Sucha Singh, R/o Akalgarh Dahpian. In the meantime, the health of Ct. Satnam Singh become deteriorated, then ASI Sukhjinder



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Singh handed over the apprehended 3 young persons and 2 country-made pistols to companions and went alongwith Ct. Satnam Singh and admitted him at Fortis (Excort) Hospital, Amritsar and is undergoing treatment at Hospital, ASI Sukhjinder Singh after leaving behind me Ct. Satnam Singh at Hospital, went on the spot for investigation. The abovesaid young persons in connivance with his companions fired towards the police party with intention to kill and make obstruction in the government work, out of these fires, Ct. Satnam Singh 2288/Batala got injured due to one fire hit him. Legal action be taken against the abovesaid young persons. Sd/- ASI Jaspal Singh, identified Sd/- Harjinder Singh SI, Incharge Police Post Nawa Pind, P.S. Jandiala, dated 07.05.2022.”

4. It has been further submitted by the learned State counsel that the petitioner is facing trial in some other criminal cases also.

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

6. No doubt, the petitioner has been attributed specific role and injuries in the FIR in question, however, at the same time it has not been disputed that the trial has not yet concluded on account of reasons not attributable to the petitioner but to the prosecution. The prosecution witnesses, including the complainant, for reasons best known, undisputedly have been continuously absenting themselves before the learned Trial Court as a result of which none of the 17 prosecution witnesses have been examined so far. In the facts and circumstances as enumerated hereinabove, this Court, therefore, deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it



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is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

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

06.02.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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