



CRM-M-46163-2024 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-46163-2024 (O&M)
Decided on: January 30, 2025

Jaswant Singh @ Laadi
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.
Mr. Amandeep Singh Samra, AAG, Punjab.

SANJAY VASHISTH, J.

CRM-48962-2024:

Prayer in this application, filed under Section 528 of BNSS, 2023, is for exemption and to place on record the investigation report, dated 14.08.2024, conducted by the Superintendent of Police (Investigation), Hoshiarpur, which was sent to the DIG, Jalandhar Range, Jalandhar, vide letter No. 4979, dated 29.08.2024, as Annexures P-7 and P-8 respectively.

For the reasons mentioned in the application, same is allowed in terms of the prayer made. Accordingly, aforementioned Annexures P-7 and P-8 are taken on record, subject to all just exceptions. Office to tag the same at appropriate place of the paper book.

Criminal miscellaneous application stands disposed of.



CRM-M-46163-2024:

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Section(s)	Police Station	District
Jaswant Singh @ Laadi s/o Tarsem Lal	67	01.03.2024	Ss. 302, 506, 427, 148, 149 & 120-B IPC	City, Kapurthala	Kapurthala

2. On 15.10.2024, a Co-ordinate Bench of this Court directed the learned State counsel to file reply detailing therein the role and criminal antecedents of the petitioner, besides the incriminatory evidence collected by the investigating officer concerned, which connects the petitioner with the alleged crime.

3. In response thereto, reply by way of affidavit of Mr. Deep Karan Singh, PPS, Deputy Superintendent of Police, Sub-Division Kapurthala, District Kapurthala, dated 25.11.2024, has been filed.

4. Referring para Nos. 5 and 6 of the said reply, learned counsel for the petitioner submits that even as per the prosecution, petitioner did not appear at the site/scene of crime until the injuries were caused to the complainant or deceased – Jaspreet Gill. Further submits that only, reliance placed by the prosecution qua role of the petitioner is detailed in para No. 6 of the reply.



For convenience, para Nos. 5 and 6 of the reply are reproduced as under:-

“5. That the complainant had stated that on 29.02.2024 at about 6/7 o'clock Raj Kumar with Luhada S/o Subhash @ Gosakalu S/o Subhash @ Gosa S/o Baga, Sandeep, Galu S/o Bhanga Shri Ram R/o Village Taiwandi Mahima. They gave injuries to his brother on his head from datar. For his treatment his nephew Jaspreet Gill and his friend Ajay Kumar S/o Sudesh Kumar R/o Village Talwandi Mahima escorted him in car Swift bearing registration No. PB-08-DD-4309 and got him admitted at Civil Hospital Kapurthala. After getting brother of the complainant Raj Kumar admitted, he heard some noise and came outside the gate, there he saw that his nephew Jaspreet Gill and his friend Ajay Kumar were sitting in a parked (standing) vehicle Swift and Lunada, Kalu S/o Subhash @ Gosa, Bobby S/o Sandeep, Kalu S/o Baga Shree Ram, Nanu Vicky S/o Bhaga and 8/10 unknown persons were damaging the vehicle with their weapons. After hearing this noise his brother Raj Kumar also came out from the emergency ward and in front of them, these above mentioned persons grabbed his nephew Jaspreet Gill from the vehicle and inflicted serious injuries on his head as well as on the other body parts of his nephew, on the complainant and on this his brother Raj Kumar raised alarm 'help help'. On which the above-mentioned persons along with their respective weapons fled from the spot of occurrence and they got admitted his injured nephew along with his friend Ajay Kumar to emergency ward. There the doctor declared his nephew, Jaspreet Gill, dead.

Role of the petitioner:

6. That the complainant stated that motive behind the occurrence was that all this happened due to criminal conspiracy of Sarpanch Jaswant Singh @ Laddi, the present petitioner, who earlier had also threatened Raj Kumar that they will get murdered both of his sons. That the complainant stated that all the above said persons had killed Jaspreet Gill at the instance of Jaswant Singh @ Laddi.”



5. Learned counsel for the petitioner further argues that there is not an iota of evidence with the prosecution to prove any connectivity of the petitioner with the incident or that ever he had actually conspired for causing murder of deceased – Jaspreet Gill. He being Sarpanch of the village, there is a political motive within village itself, and for that reason, petitioner has been falsely implicated in the present FIR. Petitioner is inside jail since 01.03.2024, and despite framing of charges on 25.05.2024, there is no progress in the trial.

Thus, prays for grant of bail to the petitioner.

6. On the other hand, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that the present petitioner is the actual person who conspired the incident alongwith other co-accused, who reached on the spot to achieve the object, i.e. elimination of deceased – Jaspreet Gill. Also submits that other co-accused are yet to be arrested, and in case the petitioner is released on bail, he may give some help to the absconding accused. However, learned State counsel does not dispute that despite framing of charges, no prosecution witness has been examined so far, and the petitioner is inside jail for more than 11 months.

7. Considering the submissions and the facts detailed by the prosecution in its reply, as noted hereabove also, without commenting upon the merits of the case, suffice it to observe that complicity of the petitioner is yet to be proved by the prosecution during course of trial. In the backdrop of the circumstances that petitioner is inside jail for the last



more than 11 months and the trial is yet to commence, he cannot be kept inside jail for indefinite period.

8. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

9. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 30, 2025
Pkapoor

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO