



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

CRM-M-56056-2024

Reserved on: 17th March, 2025

Pronounced on: 24th March, 2025

Jaspreet @ Lovepreet @Labbu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr Gourav Jain, Advocate for the petitioner.
Ms. Sheenu Sura, Deputy Advocate General, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 331 dated 14.12.2023 registered under Sections 307 read with Section 34 of IPC and Section 25 of Arms Act, 1959 (Section 427 of IPC added later on) at Police Station Sadar Tohana, District Fatehadabd.

2. As per the allegations, on 13.12.2023, Ashwani Kumar an employee at liquor vend of the complainant Bittu and his brother Sanju were present in the liquor vend at village Jamalpur Shekha, when the petitioner along with the co-accused Sanju @ Chota and one more youth reached there on a motor bike and started firing shots with firearms, which they were carrying, thereby making an attempt to kill the victims. The victims, however, managed to rescue themselves by taking shelter under the counter of the vend. The motive was business rivalry. After registration of FIR,



investigation proceedings were initiated. Accused Sanju @ Chota, who was in custody in some other case on 03.01.2024 was joined into investigation of this case. He was interrogated and suffered disclosure statement admitting the involvement of the petitioner and himself and of co-accused Parveen @ Goni. The petitioner was also found to be lodged in custody in connection with some other case. His presence was secured through issuance of production warrants, and he was arrested in this case. On interrogation, he too suffered a disclosure statement admitting his complicity in the crime and demarcated the place of occurrence. Two co-accused were also arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 17.01.2024. Trial will take considerable time. The co-accused Parveen @ Goni whose case is on similar footing has since been extended benefit of bail. His further incarceration would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Haryana that the allegations against the petitioner are very serious in nature. He is a habitual offender involved in as many as eight criminal cases. There are chances of his absconding, intimidating the witnesses or committing similar offences, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.



6. The petitioner along with the co-accused is alleged to have opened fire at the employee and brother of the complainant on 23.12.2023. The victims had a narrow escape though shots were fired at them with the intention to kill. The petitioner has been in custody since 17.01.2024. His custodial interrogation is not required, trial has commenced and is likely to take considerable time. Material witnesses are, however, stated to have been examined and therefore, there is no question of petitioner intimidating them. His involvement in other cases can not be made basis for refusal of grant of bail, in view of the observations made by Hon'ble Supreme Court in ***Prabhakar Tiwari Vs. State of U.P. and another, Law Finder Doc Id #1670858***. No injury has been sustained by the victims. The co-accused Sukhdev and Parveen @ Goni have been extended benefit of bail. The petitioner deserves to be treated on parity. Keeping in view the facts as enumerated above, I am of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and he is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

24th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*