

**216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-65110-2024

Date of Decision: 10.01.2025

Jagjit Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Tarun K. Sharma, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.101 dated 02.09.2024, under Sections 105, 115(2), 117(2), 191(3), 190 of BNS, 2023, registered at Police Station Badhni Kalan, District Moga.

2. As per facts of the case, the FIR was registered on the statement of injured Wahigurupal Singh, wherein, it was alleged that he was admitted in de-addiction Centre, where, Jagseer Singh @ Jaggi was also admitted. On being discharged from there, he went to meet Jagseer Singh @ Jaggi on 18.08.2024, however, on returning at about 7:00 p.m., family of Jagseer Singh @ Jaggi gave him beatings. Due to receiving of injuries, he was admitted in the Hospital. Request was made to take legal action against the accused. However, later on 02.09.2024, the injured-complainant died. FIR was registered and the investigation commenced. During the investigation, deceased's father, namely, Kulwinder Singh alongwith his brother Satnamjot Singh suffered a statement before the Investigating Officer that real name of accused Jagseer Singh @ Jaggi was Jagjit Singh @ Jaggi (petitioner) and thus, the petitioner was arrayed as an accused and was arrested on

04.09.2024. The petitioner approached the Court of learned Additional Sessions Judge, Moga praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 26.11.2024. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He submits that the petitioner was not named in the FIR and it was the father of the deceased on whose statement, he was arrayed as an accused. He submits that similarly situated co-accused, namely, Shinder Singh @ Sukhwinder Singh has been granted anticipatory bail by this Court vide order dated 02.12.2024 passed in CRM-M-48311-2024 and Gurtej Singh Dhillon, has been granted regular bail by this Court vide order dated 06.11.2024 passed in CRM-M-54160-2024. He further submits that the petitioner has no criminal antecedents and challan in this case has already been filed. He submits that being at par with the said co-accused, the petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that complicity of the petitioner has been established alongwith the co-accused. She submits that the investigation is complete and challan is also filed. However, she acknowledges that co-accused of the petitioners have already been granted anticipatory/regular bail by this Court. She has also produced the custody certificate of the petitioner, which shows that the petitioner is not involved in any other case.

5. After hearing counsel for the parties and perusing the record, it

is apparent that name of the petitioner was surfaced during investigation and he was arrayed as an accused. The incident took place on 18.08.2024, whereas, the complainant-deceased died on 02.09.2024. Co-accused have already been granted anticipatory/regular bail by this Court. There is nothing on record to show that the petitioner has any criminal antecedents. Investigation is complete and challan is also presented. The custody certificate produced by the State counsel shows that the petitioner is behind bars from the last about four months.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10.01.2025
sharmila

Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No