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(228)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision: 18.08.2025

BHAGWAN SINGH @ GAGGI

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mohit, Advocate with
Ms. Pavitra, Advocate
for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.221 dated 09.09.2021 registered under Sections 307, 34, 120-B of the IPC, 1860 and Sections 25/54/59 of the Arms Act at Police Station Bhuna, District Fatehabad, Haryana.

2. The present FIR came to be registered at the instance of Raj Kumar @ Raja son of Gulab Singh who stated that he was in the liquor business and owned liquor vends in different villages. Sushil son of Tejpal, Sunny son of Satpal and Parvesh Kumar son of Chandi Ram were his partners. On 08.09.2021 in the evening while he (complainant) along with his partners was sitting in front of the liquor vend, a white colour Verna car came



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to the spot. Four persons sitting in the car with illegal pistols came out and raised a Lalkara that they would teach him (complainant) a lesson for developing a dispute with Bhambu and Ramphal @ Bachi son of Chandi Ram. All the accused started firing at them (complainant party) from their pistols. One bullet struck him (complainant) on his left leg. On the assembly of various persons from the area all the four boys fled away along with their respective weapons. Meanwhile, he (complainant) and his companions starting following the Verna car and the boys continued firing upon them (complainant party). Thereafter, on seeing the police vehicle all the accused left the car and fled away. Ramphal alias Bachi who was standing at the gate of his house had been planning to hide all the four boys. The Verna car was taken into possession. Ramphal alias Bachi had got them (complainant party) attacked from four unknown persons with an intention to kill him (complainant). Some months earlier also he had been attacked at the instance of Bhambu. An earlier occurrence of 2013 had also taken place wherein one salesman of his (complainant's) liquor vend had been killed.

3. During the course of investigation, it transpired that Karamjeet alias Golu (granted bail vide order dated 18.12.2023 Annexure P-4), Sanjay alias Sanju, Hanuman alias Doctor and Aman Malik were the assailants. Vikram @ Bhambhu (granted bail vide order dated 30.07.2025 Annexure P-6), Sandeep alias Monu (granted bail vide order dated 17.11.2022 Annexure P-2) and Jagjeet alias Judge @ Gugani (granted bail vide order dated



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14.12.2023 Annexure P-3) were the conspirators. Sukhwinder alias Sukhjinder alias Sukha had allegedly sheltered the accused after the occurrence whereas Bhagwan alias Gaggi (petitioner) had provided the weapons to the assailants.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Taking the allegations to be correct, he is stated to have supplied the weapon of offence to the other accused. Charge has been framed under the provisions of Arms Act. As the petitioner is in custody since 12.07.2022 but only 11 of the 32 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, the petitioner is entitled to the concession of bail moreso when co-accused namely, Karamjeet alias Kannu, Vikram @ Bhambhu, Sandeep alias Monu and Jagjeet alias Judge @ Gugani have been granted the concession of bail.

5. On the other hand, the learned State counsel contends that not only the petitioner is supplier of the weapons to the assailants, he is a habitual offender with seven other cases registered against him. His antecedents do not entitle him to the concession as prayed for. He, however, concedes that the petitioner is in custody since 12.07.2022 but only 11 of the 32 prosecution witnesses have been examined so far and that similarly situated co-accused namely Karamjeet alias Kannu, Vikram @ Bhambhu,



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Sandeep alias Monu and Jagjeet alias Judge @ Gugani have been granted the concession of bail.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 12.07.2022 but only 11 of the 32 of the prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. Co-accused namely, Karamjeet alias Kannu, Vikram @ Bhambhu, Sandeep alias Monu and Jagjeet alias Judge @ Gugani have been granted the concession of bail. In this situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Bhagwan Singh @ Gaggi S/o Jasvir Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in the custody certificate dated 18.08.2025.



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10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

18.08.2025

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No