

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52825-2024
Reserved on: 09.01.2025
Pronounced on: 30.01.2025

Satnam Singh @ Satta ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Govind Chauhan, Advocate,
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
19	04.03.2024	Phase-11, SAS Nagar, Mohali	302, 120-B IPC and Sections 25, 54, 59 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 20 of the bail petition, the accused declares that he is involved in one more case in which he is on bail and there is no other case except the present FIR. However, as per para 15 of the status report, the detail of said case is as under:

Sr. No.	FIR No.	Year	Offenses	Police Station
1.	152	2024	420, 467, 468, 471 IPC	Gajrola, Philiphit, Uttar Pradesh

3. The facts of the case are being taken from supplementary challan filed under Section 173 CrPC annexed with the petition as annexure P-5, which reads as follows:

“That the brief facts of the case are that on 04.03.2024, I INSP/SHO alongwith SI Barma Singh 01/SAS Nagar and ASI Amrik Singh No.117/SAS Nagar, ASI Jasvir Singh 89/SAS Nagar, Hauldar Baljit Singh 1459/SAS Nagar, Sepoy Jasdeep Singh 1850/SAS Nagar were riding on a Government Vehicle Scorpio, whose driver is Sepoy Beant Singh No.2227/SAS Nagar alongwith investigation kit were present at near patrol pump Phase-11 Mohali in connection with patrolling and searching

the suspected person. Then at around 12:30 PM, Head Constable gave me (I Inspector) information through phone that one person has been murdered by some unknown persons with gunshots at C.P. Mall, Sector 67, Mohali on Airport Road. On which I Inspector alongwith police party reached the spot. Where one person was lying dead due to gunshot injures on slip road in front of C.P. Mall, Sector 67, Mohali, who was checked by I Inspector alongwith police party and from his pocket, one aadhar card no.6268xxxxxxx was found, on which his name was written as Rajesh Dogra son of Ved Parkash, resident of House No.797, New Plot, Prem Nagar, Tahli Mod City Jammu. Many bullets were fired on his body. On checking of CCTV cameras installed at CP Mall, it was found that the assailants were having car bearing no. JK-02-CC-0019 make Creta colour white, car no. CH-01-CI-5801 make Innova Crysta colour gray, car no. HP-23-F-7559 make Breza colour white, out of them, 5-6 assailants alighted and fired gunshots towards Rajesh Dogra and murdered him. In this regard, offence under Sections 302, 120-B of IPC and Section 25-54-59 of Arms Act have been committed. xxx xxx”

4. Counsel for the petitioner made the following submissions:

- (i) that the petitioner has no connection with the present case.
- (ii) he has been roped on the basis of disclosure statement.
- (iii) the only allegation against the petitioner is that he is known to Satbir Singh, who is his neighbour in Pilibhit, Uttar Pradesh and he only arrange meeting between the accused and seller of arms/ammunition.

5. Counsel for the petitioner further submits that the petitioner has no role in the murder of Rajesh Dogra. The only allegations against the petitioner are that he had arranged the meeting between the seller of arms and ammunition for the murder which came in the disclosure statement and has no evidentiary value. The petitioner is a heart patient and has underwent heart surgery, as such, he is entitled to bail even on medical ground. He was not even part of any planning and had no motive.

6. Counsel for the petitioner refers to para 5 of the bail petition, which reads as follows:

“That the only allegation on the present petitioner is that petitioner contacted with the person who supplied the arms and ammunition in the murder. In this regard, the disclosure statement of the petitioner is being filed herewith as Annexure P-2.”

7. The petitioner's counsel further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

8. State counsel has referred to the status report and opposes the bail. He has argued that there is sufficient prima facie evidence indicating the petitioner and the offence is serious in nature and was a pre-planned murder, as such, he is not entitled to bail.

9. It would be appropriate to refer to the following portions of the status report, which read as follows:

“Role of the petitioner

11. That the role attributed to the petitioner in the present case/FIR No. 19 (supra) is that he procured arms, ammunition and arms licenses for his co-accused, who committed the murder of Rajesh Dogra. It is submitted that all the accused including the petitioner acted as a team in committing the murder of deceased victim namely Rajesh Dogra.

Evidence against the petitioner

12. That the evidence against the petitioner is that he was nominated as accused in the present case/FIR No. 19/2024 (supra) on the disclosure statement of accused Satvir Singh @ Babbu who disclosed that Satnam Singh @ Satta (petitioner) prepared forged arms licenses for Manjit Singh, his brother Parminder Singh, his cousin Sandeep Singh and his friend Sandeep Singh @ Soni, for which Manjit Singh paid Rs. 5 lakhs to Satnam Singh @ Satta (petitioner). Apart from this, Satnam Singh @ Satta (petitioner) had also provided a 12 Bore rifle, two .32 Bore revolvers, a .45 Bore pistol and other arms and ammunition. The arms and ammunition supplied by Satnam Singh @ Satta (petitioner) were subsequently used in the murder of the deceased Rajesh Dogra. It is submitted that during interrogation, the accused Satnam Singh @ Satta (petitioner) also confessed to assisting the co-accused in procuring ammunition and forged arms licenses.”

10. The petitioner's case is on much lower footing in comparison to the other accused who had much bigger role. The allegation against the petitioner is that he worked as a Mediator between supplier of arms and the ammunition to the main accused. Although petitioner's conduct is deplorable, unethical and illegal but considering the facts of this case, it is not a case to deny him bail.

11. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

12. As per paragraph 09 of the status report, the petitioner has been in custody since 04.06.2024. As per the same, the petitioner's total custody in this FIR is around seven months.

13. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

14. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

15. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

16. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

17. This order is subject to the petitioner's complying with the following terms.

18. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

19. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim

until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (Crl.) 458); and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

20. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

21. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

22. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

23. ***This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.***

24. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

25. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

26. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.01.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.