

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40530-2014

Date of Decision: September 29, 2015

Santokh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. D.S. Pheruman, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for the respondent.

Mr. P.S. Ahluwalia, Advocate,
for the informant.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioner, Santokh Singh, son of
Amar Singh, resident of village Kahlanwali, Tehsil Dera Baba
Nanak, District Gurdaspur, who has been booked for having
committed the offences punishable under Sections 148, 302, 307,
323, 324, 382 and 452 read with Section 149, IPC, and Sections 25
and 27 of the Arms Act, in a case arising out of FIR No. 83, dated

8.10.2013, registered at Police Station, Dera Baba Nanak, Police District Batala, District Gurdaspur.

Learned counsel contends that the petitioner, who is aged about 77-year, has been involved in a false and frivolous case; as per prosecution version, the petitioner has not been assigned any injury on either of the deceased or the injured persons; and that the petitioner is behind the bars from 16.10.2013.

Learned counsel for the State on instructions from ASI Jaswinder Singh of Police Station, Dera Baba Nanak, Police District Batala, District Gurdaspur, and after going through the material available on police file, very fairly concedes that the petitioner though was armed with an axe, but had not caused any injury to the deceased or to the injured persons. He further fairly concedes that the petitioner is behind the bars from 16.10.2013.

Learned counsel for the informant/complainant side submits that the occurrence had taken place inside the house of the deceased person; the manner in which the occurrence had taken place would clearly suggest that it was pre-mediated attack on the aggrieved persons; and that bail application of the

similar situate co-accused of the petitioner was declined on 3.7.2014.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Though during his examination-in-chief, Gurwinder Singh (PW) had deposed before learned Trial Court that the petitioner, who was armed with an axe, had caused simple injury below the left knee of Rajinder Singh (PW), yet the said fact does not find mentioned in the statement of Gurwinder Singh (PW) recorded under Section 161, Cr.P.C. (as has been verified by learned counsel for the parties). The petitioner who is stated to be 77-year old, is behind the bars from 16.10.2013. Two persons from the petitioner's side had also sustained injuries and the motive for commission of the crime was manure pits on the main road of the locality where the houses of the parties are situate.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Santokh Singh, son of Amar Singh, resident of village Kahlanwali, Tehsil Dera Baba Nanak, District Gurdaspur, is directed to be released on bail during pendency of the trial of the present case

subject to his furnishing bonds in the sum of ₹1,00,000/- (Rupees one lac only) with one surety in the like amount, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

The observations made here-in-above are for the limited purpose of deciding the present petition for bail.

(NARESH KUMAR SANGHI)
JUDGE

September 29, 2015
Pkapoor