

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM No. M-13392 of 2016 (O&M)  
Date of Decision: 24.05.2016

Satwinder Singh @ Money

--Petitioner

Versus

State of Punjab

--Respondent

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. G.S. Attariwala, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

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**TEJINDER SINGH DHINDSA.J**

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.123 dated 16.7.2015 under sections 364, 307, 397, 398, 323, 341, 34 I.P.C and sections 25, 27, 54, 59 of Arms Act, registered at Police Station, Samana, District Patiala.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the complaint of one Megh Raj. Occurrence is stated to be of 15.7.2015. Allegations made by the complainant are that on the date of occurrence during the late evening hours while he was proceeding from Patiala to Samana, he was accosted by two unnamed assailants out of which one shot him in the thigh with a pistol and thereafter he was robbed of a sum of Rs.60,000/- and two mobile phones make Nokia.

As per prosecution version, the present petitioner along with co-accused Gurwinder Singh have been implicated in the case on the statement of one Amarjit Singh, who claimed to be an eye witness to the occurrence.

Petitioner was arrested on 26.7.2015.

Counsel has even adverted to the statement of Amarjit Singh recorded before the Trial Court as PW-4 and even as per such statement, Amarjit Singh has deposed that on 15.7.2015 he had seen the present petitioner as also co-accused Gurwinder Singh @ Kaka quarreling with Megh Raj and thereafter he had proceeded to his relative's house. He has further deposed that it is only on 24.7.2015 on returning back that he came to know that the two accused people are the same persons who had snatched Rs.60,000/- and the mobile phones.

Clearly the statement of Amarjit Singh PW-4 recorded before the Trial Court would indicate that it is a hear say evidence. Amarjit Singh PW-4 has not deposed that the present petitioner and co-accused Gurwinder Singh had robbed the complainant or had shot at him in his presence.

Counsel for the petitioner has also referred to the M.L.R of complainant/injured Megh Raj in which the injury suffered on account of the gun shot has been opined to be simple in nature.

In view of the above and coupled with the length of incarceration already suffered by the petitioner, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Patiala.

It is, however, clarified that the observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Petition disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**24.05.2016**

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