

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-16814-2017 (O&M)

Date of decision: 18.04.2018

Satnam Singh @ Sonu

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Aakash Singla, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.32, dated 10.09.2012, under Sections 302/120-B/148/149 IPC and Section 25 of the Arms Act, registered at Police Station Thuliwal, District Barnala.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Davinder Singh in relation to an occurrence dated 10.09.2012. Deceased is friend of the complainant, namely, Tipar Chand @ Gauri.

Complainant, Davinder Singh is stated to be an eye witness to the occurrence.

As per complainant's version, deceased, Tipar Chand, while driving an Uno car was intercepted by another car make Lancer occupied by four persons, namely, Vishesh, Manpreet Singh @ Manni, Gandhi Singh @ Hardeep and Kuldeep Singh s/o Chand Singh. Specific attribution by the complainant of having resorted to firing by a pistol was to Manpreet Singh @ Manni and Tipar Chand having received fire arm injuries on the right arm as

also left thigh.

Complainant further asserted that certain unidentified persons on a motorcycle were also seen at the time of occurrence.

Tipar Chand @ Gauri is stated to have succumbed to the fire arm injuries.

Investigating Agency submitted the first challan document in which Gandhi Singh @ Hardeep and Kuldeep Singh were arrayed as accused. A supplementary challan is stated to have been filed thereafter in which Manpreet @ Manni, Vishesh and the present petitioner (Satnam Singh) were nominated as accused. The 3rd challan is also stated to have been filed in which even Gurdeep Singh has been added and nominated as accused.

Present petitioner is sought to be implicated on the disclosure statements of co-accused and wherein it is alleged that he had also resorted to firing.

However, no recovery of any fire arm has been made from the present petitioner.

Petitioner was arrested on 21.02.2013 and has now faced incarceration for a period of more than 5 years.

The evidentiary value of the disclosure statements made by co-accused would be an aspect to be dealt with by the trial Court.

Complainant, Davinder Singh, who would be seen as a material witness in the present case is stated to have already been examined before the trial Court.

The trial would take time to conclude.

Learned State counsel has opposed the prayer for bail by

contending that the petitioner is a habitual offender and is involved in a number of other criminal proceedings. Even a tabulation contained in the affidavit of the Deputy Superintendent of Police, Sub Division, Mehal Kalan, District Barnala has been adverted to in this regard. Tabulation would reveal that petitioner has been convicted in two cases i.e. one under the Excise Act and the other for offence under Sections 307/452 IPC. In the other matters, petitioner has earned acquittal.

Without making any observations on merits and in view of the discussion herein above as also the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, concerned.

Disposed of.

18.04.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |