

Criminal Misc.-M-5784 of 2020 (O&M)

Date of Decision: February 14, 2020.

Satnam Singh alias Sattu

.....Petitioner

versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR.JUSTICE VIVEK PURI.

Present: Mr.Mansur Ali, Advocate and
Mr.Imran Ahmed Ali, Advocate, for the petitioner.

Mr.B.S.Sewak, Additional AG, Punjab.

-.-

Vivek Puri, J.

This is the third petition filed by the petitioner for the grant of regular bail to him in case FIR No.65 dated 20.07.2017 registered under Sections 302, 307, 120-B, 148, 149 I.P.C. and Sections 25, 27, 54 of the Arms Act, at Police Station Khalra, District Tarn Taran.

Briefly, as per the allegations put-forth in the aforesaid FIR, on 20.07.2017 at about 1.00 p.m., Sukhchain Singh alongwith his brother-in-law Lakha Singh and his nephews came on two tractors, one car and a scooter and started cultivating the passage with the tractors. Karaj Singh-complainant alongwith Sukhbir Singh, Harpreet Singh and Nishant Singh went towards them for inquiring about the same. Jasbir Kaur and Manjinder Kaur also followed them. Sukhraj Singh was armed with 12 bore double barrel gun, Sukhchain Singh was armed with 12 bore single barrel gun, Sarabjit Singh was armed with pistol, Lakha Singh was armed with 315 bore rifle, Daljit Singh was armed with Datar, Ranjit Singh was armed with

were armed with country made pistols and other unidentified persons were also present at the spot. Nirvail Singh raised lalkara that catch hold of these persons and teach them a lesson. Sukhraj Singh fired a shot from his gun which hit Sukhbir Singh on his stomach. Sukhchain Singh fired shot from his gun which hit Nishan Singh on the lower side of his stomach. Daljit Singh gave a Datar blow on the head of Harpreet Singh. Ranjit Singh gave kirpan blow on the head of Harpreet Singh. Thereafter shots were fired due to which Pargat Singh sustained injuries. An alarm was raised and on seeing the people coming on the spot, the accused persons fled away from the spot.

I have heard learned counsel for the parties and perused the record.

It has been argued by learned counsel for the petitioner that this is the third bail application under Section 439 Cr.P.C., filed on behalf of the petitioner on the ground of change of circumstances. It has been stated that the petitioner is in custody for a period exceeding two years and furthermore, conclusion of the trial will take some time as additional accused have been summoned under Section 319 Cr.P.C.

On the contrary, it has been argued by the learned State counsel that the petitioner has been nominated on the basis of statement of Sukhchain Singh and he was driving the tractor.

It is significant to note here that the petitioner was a member of unlawful assembly which was in a good strength and armed with deadly weapons. The injuries were inflicted to four persons, namely, Sukhbir Singh, Nishant Singh, Harpreet Singh and Pargat Singh. The injuries were inflicted by fire arms and sharp edged weapons. Subsequently, Sukhbir

Singh and Pargat Singh succumbed to the injuries.

It has been mainly argued on behalf of the petitioner that additional accused have been summoned under Section 319 Cr.P.C. and trial is likely to be delayed.

In this regard, it may be mentioned here that it will be too early to conclude that the trial will get delayed as the case is fixed for 26.02.2020 for consideration of charge and only thereafter the pace at which the trial will proceed can be made out. Furthermore, merely because the petitioner is in custody for a period of more than two years cannot be termed to be significant change in the circumstances to extend the concession of bail particularly because in the instant case two persons have died besides injuries to two other persons by means of fire arms and sharp edged weapons. The petitioner was a member of unlawful assembly. The gravity of allegations and severity of sentence in the event of conviction are significant factors to be looked into while considering the claim for bail. Keeping in view the entire circumstances, no case to grant concession of bail to the petitioner is made out.

Dismissed.

February 14, 2020
mohinder

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No