

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

CRM-M-32172 of 2020
DATE OF DECISION :- February 26, 2021

Sukhpal Singh alias Sukho

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-32366 of 2020

Sandeep Singh alias Soni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Talwinder Singh, Advocate for the petitioner
in CRM-M-32172 of 2020.

Mr. Kulwinder Singh, Advocate for the petitioner
in CRM-M-32366 of 2020.

Mr. J.S. Ghuman, DAG, Punjab.

Mr. F.S. Virk, Advocate for the complainant.

My this order shall dispose of two petitions for grant of regular
bail bearing CRM-M-32172 of 2020 filed by Sukhpal Singh alias Sukho and
CRM-M-32366 of 2020 filed by Sandeep Singh alias Soni, both of them
accused in F.I.R. No. 77 dated 17.9.2020 for offences under Sections 307, 506,

148, 149 IPC and Sections 27, 27 of the Arms Act registered with Police station Badhni Kalan, District, Moga.

Briefly stated the prosecution story is that on 8.9.2020 at about 9.00 P.M. When complainant Kaka Singh son of Gurdial Singh, resident of Chakar Road, Village Lapon, Tehsil Nihal Singh Wala, District Moga along with his family members was present in his house then some persons started throwing brick bats in his house. The complainant along with his family members went to the roof of his house to find out who was doing the mischief and they observed that petitioner Sukhpal Singh alias Sukho, son of Darshan Singh, resident of village Rania, Patti Dholke, District Moga in petition bearing CRM-M-32172 of 2020, alongwith Chaina armed with iron rods and petitioner Sandeep Singh alias Soni son of Balwinder Singh, resident of village Lapon, District Moga in petition bearing CRM-M-32366 of 2020 armed with pistol besides 4-5 unidentified persons having dang and iron rods threw brick bats towards house of the complainant. On seeing the complainant Sandeep Singh alias Soni fired 3-4 shots towards him with an intention to kill him. One of the shots had hit the window-pane of the house of the complainant. Complainant and his family members had a miraculous escape. On an alarm being raised by them the assailants ran away from the spot along with their respective weapons.

On the basis of statement made by the complainant to the police, formal F.I.R in the matter was registered and investigation the case started. Petitioners accused Sandeep Singh alias Soni and Sukhpal Singh alias Sukho were arrested in this case on 17.9.2020 and bullet motorcycle used in the incident was recovered from them. On completion of investigation challan against the accused is said to have been filed in the

Court and the case is at the stage of framing of charge fixed for today in the trial Court for that purpose. The petitioners had filed petition for grant of regular bail before the Court of Sessions at Moga, however, they were unsuccessful there, as such they have knocked this Court for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioners and learned State counsel besides going through the record.

Learned counsel for the petitioners has contended that it is a case of no injury. The petitioners are behind bars for a period of more than 5 months. The matter has since been compromised between the parties. Since both the parties are neighbours and wants to live in peace in future, therefore, the petitions be accepted. Learned counsel for the complainant has contended that the matter has since been compromised between the parties through intervention of respectables of the village to enable them to lead normal hassle free life, as such compromise be accepted and he has no objection if petitions for grant of regular bail filed by petitioners accused Sukhpal Singh alias Sukho and Sandeep Singh alias Soni are accepted. Learned State counsel has, however, stated that petitioners are habitual criminals, inasmuch as petitioner Sukhpal Singh alias Sukho is involved in two more criminal cases whereas Sandeep Singh alias Soni is involved in 3 more criminal cases of such type and therefore, they should not be granted concession of bail. However, considering the totality of circumstances, including that fortunately nobody was hurt in the incident, the parties belong to the same village and dispute between them has been sorted out by the intervention of respectables of the village, the settlement between them should be accepted and further although the challan against them has been

filed but its conclusion is likely to take considerable time. Keeping in view the fact that charge is yet to be framed against the accused, I find that petitions deserves to be accepted. Although petitioner Sukhpal Singh alias Sukho is stated to be involved in two more criminal cases but one of the case is under NDPS act and the other is under Punjab Excise Act as mentioned in the written reply filed on behalf of the State and with regard to petitioner Sandeep Singh alias Soni, 2 cases in which he is named to be involved are under Punjab Excise Act and one under 457/411/380 IPC. All the cases are at the stage of trial. In my considered view, such cases should not come in the way of grant of regular bail to the petitioners since they have already undergone custody of more than five months and adequate conditions can be imposed to ensure that the petitioner do not indulge in any criminal activity again.

Resultantly, both the petitions are allowed and petitioners Sukhpal Singh alias Sukho and Sandeep Singh alias Soni are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Moga subject to the following conditions :-

- (i) they shall appear in the Court on each and every date of hearing.
- (ii) they shall not give any threat or intimidation to the prosecution witnesses.
- (iii) they shall not leave India without prior permission of the Court and shall surrender their Passports, if they have got one, otherwise to furnish affidavits in that regard.
- (iv) they shall not indulge in any criminal activity.
- (v) they shall join the investigation as and when directed by the Investigating Officer.

- (vi) they shall got their presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on their movements and they are deterred from indulging in any criminal activity.

In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

February 26, 2021
p.singh

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