

IN THE HIGH COURT OF PUNJAB AND HARYANA AND
CHANDIGARH

201 (PROCEEDINGS THROUGH V.C.)

CRM-M-36932-2020

Date of decision: 15.01.2021

SATPAL SINGH @ SATTI
V/S

...PETITIONER

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rahul Rampal, Advocate,
for the petitioner.

Mr. Sandeep Vermani, Addl. A.G. Punjab,
for the State.

Mr. S.P.S.Aulakh, Advocate,
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this application is for grant of regular bail to the petitioner in case FIR No. 106 dated 07.08.2019 under Sections 307/452/336/109/148/149 IPC, 1860 and under Sections 25/27 of Arms Act, 1959 (Section 120-B IPC, 1860 was added later on) registered at Police Station Kabarwala, District Shri Muktsar Sahib.

It is the contention of the learned counsel for the petitioner that the present FIR, which has been registered against the petitioner, is an outcome of the political rivalry. It is asserted that the allegations made in the FIR are not sustainable. Petitioner has been attributed to have fired six shots at the complainant and his wife but none of the shots had hit them. Three shots hit the counter of the shop and one shot hit the refrigerator lying in the shop. Allegation is also there that the petitioner had fired one more shot while the complainant was running out. It has been asserted that there is no injury caused to anyone by any gun shot. Petitioner is in custody

for the last more than eight months without the trial proceeding. Prayer has, thus, been made for grant of bail.

On the other hand, learned counsel for the State, on the basis of the status report which has been filed by the Deputy Superintendent of Police, Sub-Division Malout, District Sri Muktsar Sahib, asserts that the petitioner had a criminal record. Apart from the present FIR, there are nine other FIRs which were registered against him, in one of which he has been convicted in the year 2015 and in other two cases, he has been acquitted with seven other cases being on trial. Total of nine FIRs are alleged to have been registered against the petitioner. Assertion has, thus, been made on the basis of the said record that the petitioner does not deserve concession of bail.

Counsel for the complainant has also asserted that not only the petitioner but the whole family of the petitioner is involved in the criminal activities. He asserts that the petitioner, therefore, does not deserve the concession of bail.

Counsel for the petitioner has rebutted the assertions of the counsel for the State by pointing out that at various stages of the case and in the custody certificate, which has been filed, there is a distinction with regard to the FIR which has been registered against the petitioner and even the number of FIRs has varied. He, however, asserts that except for FIR No. 105 dated 07.08.2019, which has been registered against the petitioner on the same day as the present FIR, in all other cases, either the petitioner has been acquitted or is on bail. He, therefore, asserts that the petitioner be granted the concession of bail in the light of the fact that the trial is not proceeding as of now.

Having considered the submissions made by the learned counsel for the parties and keeping in view the fact that the admitted position is that no injury has been caused in the present case and the allegation against the petitioner is that he has fired gun shots at the complainant and his wife, the length of custody as also the fact that the trial is not proceeding adding to the prayer of the petitioner that he has been granted bail in the other case which has been registered except FIR No. 105 dated 07.08.2019, the present application is allowed. Petitioner is directed to be released on regular bail on furnishing bail bonds to the satisfaction of the Trial Court/Duty Magistrate/Chief Judicial Magistrate, Sri Muktsar Sahib.

Any observations made herein above shall have no bearing on the merits of the case.

January 15, 2021
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No