

CRM-280-2022 in/and
CRM-M-11028-2021

- 1 -

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-280-2022 in/and
CRM-M-11028-2021
Date of Decision: 10.01.2022

Satnam Singh @ Satu

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. H.S.Batth, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

CRM-280-2022

Learned counsel for the petitioner seeks to place on record the
copies of the bail order pertaining to the co-accused, the same are taken on
record.

Registry is directed to annex the same at the appropriate place.

Disposed of.

Main case

Custody certificate has been placed on record.

The petitioner has prayed for grant of regular bail in case FIR
No.65 dated 20.07.2017, under Sections 302, 307, 324, 120-B, 148, 149
IPC, 1860 and Sections 25, 27 of Arms Act, 1959 registered 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 Nishan 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 Kirpan, Harman Singh was armed with Datar, nephews of Sukhchain Singh 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 the learned counsel for the parties and perused the record.

It has been contended by learned counsel for the petitioner that the petitioner is in custody for a period of 4 years and 3 months and not involved in any another case except one case under Prison Act. He

remained on interim bail for a period of about 3 months but never misused the concession of bail. The petitioner has been nominated on the basis of the statement of Harpreet Singh, injured. The allegation against him is to the effect that he was driving the tractor and furthermore, no injury has been attributed to him.

Learned State counsel, on instructions of ASI Satnam Singh, has not assailed the aforesaid factual aspect of the case but has opposed the bail application on the score that the petitioner was member of unlawful assembly and the injuries were inflicted to 4 persons namely Sukhbir Singh, Nishan Singh, Harpreet Singh and Pargat Singh. The injuries were caused by firearm and sharp-edged weapons. Subsequently, Sukhbir Singh and Pargat Singh succumbed to the injuries.

During the course of hearing, it has not been disputed that petitioner is in custody for a period exceeding 4 years and 3 months. During the course of trial on the application under Section 319 Cr.P.C., 3 more persons namely Nirvail Singh, Daljit Singh and Ranjit Singh were summoned as accused and the trial is getting delayed. Furthermore, learned State counsel has pointed out that out of the 49 witnesses, none of the witnesses have been examined so far after summoning of the co-accused under Section 319 Cr.P.C.

Keeping in view the role assigned to the petitioner, the long period of incarceration undergone by him and other circumstances emerging in the case, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the

**CRM-280-2022 in/and
CRM-M-11028-2021**

- 4 -

petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

**(VIVEK PURI)
JUDGE**

10.01.2022

Janki

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No