

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CRM-M-19811-2022

Date of decision : 01.08.2022

Resham Singh

... Petitioner

Versus

State of Punjab

... Respondent

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr. Gopal Singh Nahel, Advocate  
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Ramandeep, Advocate  
for the complainant.

**VIKAS BAHL, J.(ORAL)**

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.278 dated 26.12.2021 registered under Sections 307, 34 IPC and Section 25/27 of the Arms Act, 1959 at Police Station Sadar Samana, District Patiala.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been in custody since 30.12.2021 and there are 23 witnesses and the charges have not been framed as yet, thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that in the FIR it has specifically been stated that there were two unknown persons riding on a motor cycle, one of which had caused a gun shot injury on the left side of waist of the injured Gurjit Singh, who is the younger brother of the complainant Paramjit Singh. It is

submitted that it has been mentioned in the FIR that the complainant had specifically stated that he could identify the accused persons if/when brought before him and the petitioner had not been named in the FIR by the complainant. It is further submitted that the petitioner has been arrayed as an accused person after a delay of 5 days from the date of the alleged occurrence and after 4 days from the registration of the FIR in pursuance of supplementary statement recorded by complainant on 30.12.2021 in which, he has stated that he had doubts regarding Resham Singh (petitioner) at the time of registration of the FIR and he had now (at the time of recording supplementary statement) found out that it was Resham Singh, who was one of the persons present during the commission of crime and that he recognized Resham Singh as said Resham Singh used to visit the house of his brother in the absence of his brother and the house of the complainant was adjoining to the house of said brother. Learned counsel for the petitioner has submitted that as per the supplementary statement, the complainant submitted that he knew the present petitioner from before and yet did not name the present petitioner during the registration of the FIR. It is also submitted that the petitioner has been falsely implicated and the motive of false implication is apparent from a reading of the supplementary statement itself inasmuch as, as per the version of the complainant, the present petitioner has an illicit relationship with the sister in law of the complainant namely, Charanjit Kaur.

Learned State counsel as well as learned counsel for the complainant have opposed the present petition for regular bail and have submitted that on the basis of supplementary statement, the present petitioner was arrested and 12 bore country made pistol, 3 live cartridges

and 1 empty cartridge were recovered from the present petitioner. It is further submitted that as per the prosecution case, it is the petitioner, who had fired the gun shot, on the basis of which one injury which was declared to be dangerous to life, was inflicted upon the brother of the complainant.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 30.12.2021 and there are 23 witnesses and since the charges have not been framed as yet, the trial is likely to take time and the petitioner is stated to be not involved in any other case. A perusal of the FIR would show that the petitioner has not been named in the FIR and the complainant had specifically stated that he could recognise the persons who had committed the alleged offence when confronted. The petitioner has been named as an accused by the complainant in a supplementary statement which was recorded on 30.12.2021, i.e. after a delay of 4 days from the registration of the FIR and as per the said supplementary statement, he had stated that he knew the present petitioner Resham Singh as he used to repeatedly visit the house of his brother in the absence of his brother and an illicit relationship between the petitioner and the sister-in-law of the complainant namely, Charanjit Kaur, had developed. The arguments of learned counsel for the petitioner to the effect that since, as per the supplementary statement dated 30.11.2021, the petitioner was known to the complainant however, the complainant had not even named him at the time of registration of the FIR, raises an arguable point in favour of the petitioner and cannot be outrightly rejected. The said aspect would be finally adjudicated during the course of trial.

Keeping in view the above said facts and circumstances, the

present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)  
JUDGE

August 01, 2022  
*Davinder Kumar*

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |