

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26799-2022 (O&M)
Date of Decision:- 06.12.2022

Satwant Singh @ Jagga

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Dassaur, Advocate, for the petitioner.

Ms. Swati Batra, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 27, dated 3.3.2022, Police Station Lohian, District Jalandhar, under Sections 160, 307, 148, 149, 120-B of Indian Penal Code and Sections 25 and 27 of Arms Act.
2. The FIR was registered pursuant to receipt of an information by the police to the effect that Sunil Masih @ Jeeona, Navi @ Beeji, Manjinder Singh @ Ravi, Satta Cheema, Balraj Singh, Heera, Kamaljit Singh @ Gaggu, Deepu, Sukha accompanied by 10-15 unidentified persons, who were all armed with deadly weapons, had proceeded to Village Kutbiwal in 5-6 vehicles and had resorted to indiscriminate firing and had thus created terror in the village. The information was further to the effect that on account of said

indiscriminate firing, Gurpreet Singh had sustained two firearm injuries and was seriously injured.

3. It is further the case of prosecution that upon scrutinizing the call details of accused Sunil Masih @ Jeeona and also upon scrutinizing the tower location record one Aprail Singh came to be nominated as an accused. Upon arrest of said Aprail Singh, he suffered a disclosure statement to the effect that the petitioner was also accompanying them at the time of occurrence.
4. Learned counsel for the petitioner submits that he has falsely been nominated on the basis of disclosure statement made by one Aprail Singh who is nowhere named in the FIR and such like disclosure statement would not carry any evidentiary value. It has further been submitted that although pursuant to arrest of the petitioner a pistol was got recovered at his instance from his house but the said pistol is the licensed weapon of his mother who is having a valid armed licence and that his mother has already been granted anticipatory bail by this Court vide separate order of even date.
5. Opposing the petition, learned State counsel submits that since the petitioner came to be nominated on the basis of statement of co-accused, his complicity is clearly evident given the fact that a pistol was also recovered from his residence. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 8 months and also stands involved in two other cases. Learned State counsel has informed that although challan has

been presented but charges are yet to be framed and as many as 33 PWs have been cited.

6. This Court has considered the rival submissions.
7. It is not in dispute that the petitioner is nowhere named in the FIR and came to be nominated on the basis of disclosure statement of one Aprail Singh who himself is not named in the FIR. The petitioner otherwise has been behind bars for a substantial period of more than 8 months. The trial has not even commenced and as many as 33 PWs have been cited. In these circumstances further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

06.12.2022

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**(GURVINDER SINGH GILL)
JUDGE**

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