

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

213+111

CRM-M-43785-2021 (O & M)
Date of decision:09.03.2022

Satpal Singh @ Satnam Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab
for the respondent-State.

SUVIR SEHGAL J. (ORAL)

CRM-8624-2022

Application is allowed.

Annexure P-11 is taken on record.

Main Case

This is the second petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.350 dated 03.10.2020 registered for offences under Section 116 of IPC, 1860, (Section 306 of IPC was added later on vide rapat No.33 dated 05.10.2020) at Police Station Sadar Fazilka, District Fazilaka, Annexure P-1.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the basis of the statement of Kuldeep Singh recorded in the presence of a Judicial Magistrate on 03.10.2020, on the allegation that he was working as a *granthi* in a Gurudwara in the village and Gopal Singh, his son Satpal Singh (present petitioner) and Khushal Singh, have been harassing him and pressurizing him to leave the Gurudwara Sahib. It has been stated by him that he had a scuffle with Satpal Singh, an evening earlier, who hit him with a brick bat and he doused himself in petrol and set himself afire. FIR was initially registered under Section 116 of IPC, but after his death, Section 306 of IPC was added.

Counsel for the petitioner has submitted that first petition (CRM-M-42138-2020) filed by the petitioner was withdrawn, after arguments, on 18.12.2020. He submits that at that stage, although the final report had been presented and but thereafter, charge has been framed and three witnesses including *Sarpanch* of the village, have been examined, whose statements are appended as Annexure P-11 collectively, and they have not supported the case of the prosecution. Counsel has placed reliance upon orders dated 09.07.2021 and 25.08.2021, Annexures P-9 and P-10, to submit that two co-accused, who are similarly situated as the petitioner, have been granted the concession of regular bail.

Per Contra, State counsel, upon instructions from ASI Mohinder Singh, has opposed the petition and has argued that the petitioner is the main accused as there is allegation against him of

assaulting the deceased a day before he committed suicide. As per his instructions, besides the three prosecution witnesses, who have already been examined, more than 20 witnesses are yet to be stepped into the witness-box.

Having heard counsel for the parties, this Court is of the view that the complicity of the petitioner in the offence would remain a matter of debate before the trial court and the petitioner, who is in custody for last more than 01 year and 04 months and has an unblemished past, would be entitled to be released on bail.

In view of the above, without adverting to the arguments raised, petition is allowed. The petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.03.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No