

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

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**CRM-M-43084-2022  
Decided on : 22.09.2022**

Swaran Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: Mr. Sherry K. Singla, Advocate  
for the petitioner.

Mr. AS Sandhu, AAG, Punjab.

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**SANJAY VASHISTH, J. (Oral)**

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Swaran Singh, who has been booked for having committed the offences punishable under Sections 307, 323, 326, 341, 506, 34 of IPC, read with Sections 25, 27, 54 of the Arms Act, 1959, in FIR No. 0002, dated 02.01.2022, registered at Police Station City Rajpura, District Patiala, during the pendency of trial.

At this stage, Mr. I.S. Koor, Advocate, has put in appearance on behalf of the complainant and filed his vakalatnama Court today, which is taken on record, subject to all just exceptions.

Learned counsel for the petitioner submits that as per the version of the FIR, allegation against the petitioner is that on 31.12.2021 at 09:45 PM,, petitioner along with some other unknown persons had reached at the Egg Rehri run by the complainant's father. Thereafter, there was exchange of some hot words and on telephonic information by the said unknown person, some other people also reached with the pistol in their hand, and thereafter, the person who reached later on namely Gurjeet Singh @ Monu had fired shots attracting the provisions of Section 307 IPC in the present case. Upon this factual aspect, learned counsel for the petitioner submits that from the contents of the FIR itself, petitioner is not alleged to be armed with any weapon, rather, petitioner as well as said unknown person, both are said to be unarmed.

On that basis, learned counsel for the petitioner submits that it shows that neither there was any prior conspiracy/plan nor any intention to

cause injury to anyone.

He further submits that in the FIR, name mentioned is Monu Financer r/o Jandoli, but subsequently by improving the version, supplementary statement under Section 161 Cr.PC was recorded after about six months, where, Sonu and Swaran were projected as one and the same person.

In response to the submissions made by learned counsel for the petitioner, learned State counsel produces the custody certificate dated 22.09.2022 in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

Learned State counsel submits that it is a serious offence committed by the petitioner and his associates against a poor person and thus, keeping in view the nature of offences, he should not be granted the concession of bail.

Learned counsel appearing on behalf of the complainant while vehemently opposing the prayer and submissions made by learned counsel for the petitioner, submits that actually present petitioner is the main accused, because of his enraging on the spot, the atmosphere was aggravated and the other co-accused were also called on the spot, who were having firearm.

I have heard learned counsel for the parties and perused the relevant material on record.

As per custody certificate petitioner is inside jail for last 01 month and 21 days and he is not an accused in any other case of similar nature. Admittedly, there is no allegation that petitioner or the said unknown person were armed with any weapon. Even the person, who reached later-on, on the spot are shown to have fired without any specific provocation at the instance of the petitioner. Therefore, in my considered view, it will be a moot question before the trial Court during proceedings of the trial, as to whether petitioner would be held liable for sharing any common intention or not ?

In view of the facts and circumstances of the case and the factors recorded hereinabove, the prayer made in the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and

shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

Petition stands disposed of.

**(SANJAY VASHISTH)**  
**JUDGE**

**September 22, 2022**

*J.Ram*

*Whether speaking/reasoned: Yes/No*  
*Whether Reportable: Yes/No*