

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48695-2022(O&M)

Date of decision : 28.10.2022

Satnam Singh @ Satta

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Simran Grewal Randhawa, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

Mr. Amit Arora, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.08 dated 02.02.2021 registered under Sections 307, 148, 149 IPC and Sections 25, 27/54/59 of the Arms Act at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel for the petitioner has submitted that the present case is a case of version and cross-version and the cross version has been recorded on the statement of Harvinder Singh, who belongs to the party of the petitioner and as per the said version, six persons from the party of the complainant in the present FIR had attacked the petitioner party and in the said attack, Navkaran Singh had fired from his rifle which hit on the left shoulder of Arshdeep Singh and the MLR regarding the same was also issued. It is submitted that as per the said cross-version, Navkaran Singh

was armed with .12 bore rifle, Jobanjeet Singh was armed with .315 bore rifle, Gurmeet Singh @ Gopi was armed with springfield rifle, Laampreet Singh was armed with .315 bore rifle and Jasbir Singh was armed with 30 bore pistol. It is stated that as per the present FIR, one injury has been attributed to the present petitioner on the right hand of Navkaran Singh, who is the brother of the complainant and the said injury is stated to have been given with a .315 bore rifle. It is further stated that no recovery of any rifle, much less .315 bore rifle, has been effected from the present petitioner. It is submitted that the petitioner has been in custody since 06.06.2022 and the investigation is complete and the challan has already been presented and there are 24 witnesses out of which, none have been examined and thus, the trial is likely to take time. It is further submitted that in order to show his bonafide and without admitting his liability, the petitioner is ready to pay an amount of Rs.75,000/- to injured Navkaran Singh.

Learned State counsel and learned counsel for the complainant, on the other hand, have opposed the present petition for regular bail and have submitted that in the present case, the cross-version registered by Harvinder Singh has been found to be false on account of the fact that Arshdeep Singh has absconded. It is further submitted that on account of the injury given by the present petitioner, the first finger of the right hand of Navkaran Singh has been totally damaged. It is also submitted that the petitioner is involved in one more case.

Learned counsel for the petitioner, in rebuttal, has submitted that with respect to the cross-version, there is MLR no.26 / 5S/CH/Patti/2021 regarding Arshdeep Singh which shows that there is a

gun shot injury suffered by him on the shoulder and said Arshdeep Singh and Harvinder Singh would pursue their right to agitate the said cross-version. She has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

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

The petitioner has been in custody since 06.06.2022 and the investigation is complete and the challan has already been presented and there are 24 witnesses out of which, none have been examined and thus, the trial is likely to take time. The cross-version was recorded on the basis of statement of Harvinder Singh belonging to the party of the present petitioner. As per the said cross-version, five persons were stated to have been armed with rifles / pistols and it had been alleged therein that a gun shot injury had been suffered by Arshdeep Singh on his left shoulder which was attributed to one Navkaran Singh and the MLR regarding the same has also been referred to in the cross-version (Annexure P-1). It is the case of

of the fact that Arshdeep Singh is absconding. Learned counsel for the petitioner has submitted that since there is medical evidence in support of the cross-version, they would pursue the said cross-version, in accordance with law. The petitioner has been attributed one injury on the right hand of Navkaran Singh with a .315 bore rifle. No weapon, however, has been recovered from the present petitioner.

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 and also subject to the petitioner depositing an amount of Rs.75,000/- with the trial Court within a period of two weeks from today.

The trial Court is directed to release the amount of Rs.75,000/- deposited by the petitioner to the injured Navkaran Singh.

The payment of said amount of Rs.75,000/- to the injured Navkaran Singh would be not construed as an admission of guilt by the petitioner.

It is made clear that in case the said amount is not deposited by the petitioner in the stipulated period, then the petition shall be deemed to have been dismissed.

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.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

October 28, 2022
Davinder Kumar

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