

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-14105-2022

Date of Decision:-05.01.2023

Sukhjinder Singh @ Bittu.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. D.S. Virk, Advocate for the Petitioner.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.55 dated 14.03.2020 under Sections 307, 201, 341, 148, 149, 120-B and 34 IPC and Section 54/59 of Arms Act registered at Police Station Goindwal Sahib, District Tarn Taran.

The brief facts of the case are that the present FIR came to be registered at the instance of Lakhwinder Singh son of Fauja Singh who stated that he had two children Kamalvir Kaur who is married and Amardeep Singh who was married to Navreet Kaur, Sarpanch of the village. On the date of occurrence at about 6.00 PM while he was going to his farmhouse three unidentified person on two motor cycles signalled him to stop. Out of the three persons two were holding pistols in their hands and they fired shots directly at him with intention to kill him. One shot hit him on the left thigh and second below his right shoulder. After scuffling with them those unidentified persons fled away from the spot on their motor cycles. Based on the said allegations, the present FIR came to be registered.

During the course of investigation the complainant Lakhwinder

Singh got recorded a supplementary statement to the effect that he had identified the persons who had fired shots upon him and the said persons were Jobanjit Singh (granted bail vide order dated 16.11.2022), Akashdeep Singh (granted bail vide order dated 18.05.2022) and Hardeep Singh. One Gursimran Singh was said to have disclosed the location of the complainant to the assailants.

Gursimran Singh was arrested on 18.04.2020 and got recovered a scooty bearing registration number PB-46-L-9132 along with one mobile phone. He was found to be a juvenile and produced before the Juvenile Justice Board and released on bail. During the course of investigation, Sections 148 & 149 IPC were added.

Accused Jobanjit Singh, Akashdeep Singh and Hardeep Singh were confined at Sub Jail Patti in another case bearing FIR No.103 dated 16.04.2020 under Sections 379-B, 188, 473 IPC and 25/54/59 of Arms Act registered at Police Station, Beas. They were arrested in the present case on 26.04.2020 and suffered their disclosure statement to the effect that Jobanjit Singh armed with pistol and Hardeep Singh armed with revolver had shot at the complainant. They further disclosed that they had committed the offence on the asking of Sukhjinder Singh @ Bittu i.e. the present petitioner.

During the course of investigation, the petitioner was nominated in the present case vide DDR No.30 dated 27.05.2020. He was confined at Central Jail, Kapurthala in case FIR No.140 dated 07.05.2020 under Sections 384, 465, 467, 471, 473, 489 IPC and Sections 13, 17 of UAP Act and Section 25 of Arms Act registered at Police Station Sultanpur Lodhi and was arrested in the present case on 2.7.2020. During the course of investigation he suffered his disclosure statement disclosing the motive for occurrence and stating that he was the person who had got the other accused to fire at the complainant.

Subsequently, the other accused Nitin Nahar son of Sh. Ashru Nahar was also arrested in the present case and thereafter the report under Section 173(2) Cr.PC came to be presented against the petitioner-Sukhjinder Singh @ Bittu, Hardeep Singh @ Deepa, Akashdeep Singh, Jobanjit Singh and Nitin Nahar.

The Counsel for the petitioner contends that the petitioner is

not named in the FIR nor is he named in the supplementary statement. His name finds mention for the first time in the disclosure statement of the arrested accused and thereafter in his own disclosure statement. He contends that the said disclosure statements are inadmissible in evidence. Even otherwise, he was in custody since 02.07.2020 and since none of 29 cited prosecution witnesses had been examined so far, therefore, his further incarceration was not required more so when the purported assailants Akashdeep Singh @ Akash and Jobanjit Singh had been granted the concession of bail by this Court and the Trial Court respectively. In addition it is stated that the accused were not being produced in court because of which the trial was being delayed. He has referred to the zimni orders which have been taken on record as Mark-A containing 14 pages.

The Counsel for the State on the other hand submits that the petitioner is a habitual offender with a number of cases registered against him. His antecedents do not entitled him to the grant of bail. He however, admits that the co-accused of the petitioner and one of the main purported assailants namely Akashdeep Singh @ Akash has been granted the concession of bail by this court. She also admits the fact that none of the 29 prosecution witnesses have been examined so far.

I have heard learned Counsel for the parties.

Admittedly the petitioner is not named in the FIR nor in the supplementary statement of the complainant. He is named in the disclosure statement of the co-accused Akashdeep Singh @ Akash and Hardeep Singh @ Deepa. The evidentiary value of the disclosure statements of the accused shall be examined during the course of the Trial. The petitioner is in custody since 02.07.2020 and since none of the 29 prosecution witnesses have been examined so far. The trial of the present case is not likely to be concluded anytime soon. Even otherwise, two of the main accused have been granted the concession of bail vide orders dated 18.05.2022 and 16.11.2022 respectively passed by this Court as well as the Trial Court. In this view of the matter, the further incarceration of the petitioner is not required.

Keeping in view the aforementioned facts but without commenting on the merits of the case, the present petition is allowed and the petitioner **Sukhjinder Singh @ Bittu** son of Sh. Surjit Singh is ordered to

be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case. This would ofcourse be subject to the petitioner being granted bail in the other cases registered against him.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that she is not involved in any other crime other than the present case.

The petitioner shall make no attempt to contact/threat/intimidate the witnesses to the occurrence either directly or through a third party and if any such attempt is made, the State is at liberty to seek cancellation of bail granted by this order.

In addition, the petitioner (or anyone on his behalf) shall prepare FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 05, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>