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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-28149-2023(O&M)
Date of decision:- 12.10.2023

Surjan Singh Chatha

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.R.S. Rai, Senior Advocate with
Mr.Gautam Dutt, Advocate
for the petitioner.

Mr.A.P.S. Tung, DAG, Punjab.

Ms.G.K. Mann, Senior Advocate with
Mr.Manpreet Singh Dhaliwal, Advocate and
Mr.Gursharan Singh, Advocate
for the complainant

SUVIR SEHGAL, J. (ORAL)

1. Instant petition filed under Section 439 Cr.P.C. seeking grant of
post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
0040	14.03.2022	Nakodar District RuralSadar, Jalandhar	302, 307, 148, 149 IPC and Sections 25 and 27 of Arms Act (Sections 120-B, 212 and 216 IPC were added later on)

2. Version of the prosecution is that FIR, Annexure P1 has been
registered on the statement of Angrej Singh on the allegation that his brother

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Sandeep Singh, aged 38 years, who is a citizen of England, had come to India for a Kabaddi match. At about 6:00 p.m. in village Mallian Khurd where the tournament was being held, four youngsters alighted from a car and started firing on his brother. Sandeep Singh was hit and he fell down. Despite this, the assailants continued firing caused injuries to the bystanders and fled away. The complainant, who was a witness of the mishap along with Inderpal Singh, brought his brother to Chhabra Hospital, Nokadar, where he was declared dead.

3. Counsel for the petitioner submits that supplementary statements of the complainant were recorded on 19.04.2022 and 09.05.2022 and on conclusion of investigation, challan was presented on 10.06.2022, ten persons were named as accused and names of twelve persons were kept in column No.2. He asserts that name of the petitioner did not figure anywhere. He submits that third supplementary statement of the complainant was recorded on 14.07.2022, wherein on the basis of hearsay account of Hakam Singh, petitioner was named as an accused. Counsel urges that petitioner was apprehended on 04.05.2023 and a supplementary challan was presented against him on 01.08.2023. He contends that the prosecution does not possess any other incriminating material against the petitioner. He submits that petitioner, who is 75 years of age is medically unfit and is admitted in District Hospital at Gurdaspur.

4. *Per contra*, learned State counsel by making a detailed reference to the status report filed by way of affidavit of Deputy Superintendent of Police, Sub-Division Nakodar, District Jalandhar (Rural) submits that

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Hakam Singh had confided in the complainant that when a new Kabaddi Federation came up, its President Surjan Singh Chatha, present petitioner, and Sukhwinder Mann alias Sukha Mann bore a grudge against the deceased as they wanted him to join their federation, which he declined.

5. Counsel for the complainant submits that four gangsters have been arrested, who in their disclosure statement have named the accused. A reference has also been made by her to the complaints, Annexure C3, submitted by the complainant as well as Hakam Singh alleging threats.

6. I have heard counsel for the parties and considered their respective submissions.

7. During the course of pendency of the instant petition a report was called from the State regarding the medical condition of the petitioner, which has been received and its relevant extract is as under:

“Certified that SURJAN SINGH s/o Mohan Singh, 60M, referred from Central Jail, Gurdaspur to DH Gurdaspur on 04/09/2023, chief complaint of chest pain, breathlessness.

Patient was admitted on 04/09/2023 at 5:27 p.m. and is diagnosed as case of CAD, DM-2, AF with CHF & HTN. Patient is under treatment at DH GSP for same till date.”

Upon instructions, State counsel has affirmed that the petitioner continues to be hospitalized.

8. Petitioner has been arraigned as an accused on the basis of third supplementary statement of the complainant recorded after four months of the alleged incident on the basis of suspicion raised by Hakam Singh. The

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role ascribed to the petitioner would be determined by the trial Court on the basis of the ocular and documentary evidence produced by the prosecution. Petitioner is a septuagenarian (as per the copy of opening page of the passport, Annexure P4) and is recovering in a hospital. The complaints, Annexure C3 submitted by the complainant and Hakam Singh have been inquired into and a DDR has been lodged by the police.

9. Noticing the nature of allegations levelled against the petitioner, his advanced age, falling health, length of custody and stage of proceedings, this Court is inclined to accede to the prayer made in the petition.

10. In view of the above, but without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

11. As an apprehension has been expressed by the State that the petitioner is a citizen of U.K. and is likely to abscond, it is directed that while being released on bail, petitioner shall surrender his passport.

12. Any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13. Pending application stands disposed of.

(SUVIR SEHGAL)
JUDGE

12.10.2023
Brij

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