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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43433-2023 (O & M)
Date of decision: 02.11.2023

Satnam Singh @ Sattu

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rajeshwar Singh, Advocate,
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.124 dated 11.07.2023 under Section 307 IPC read with Sections 25 and 27 of the Arms Act registered at Police Station Lopoke, District Amritsar (Rural).

2. The present FIR came to be registered at the instance of Sahib Singh who stated that on 11.07.2023 when the complainant alongwith his brother Dilbagh Singh and cousin Prabh Dayal Singh and nephew Nishan Singh had gone to the land to cut the fodder, in the meantime, Harpal Singh alongwith Satnam Singh @ Sattu (petitioner) came in a car. Harpal Singh was armed with revolver and Satnam Singh @ Sattu was armed with baseball bat. On reaching there, Harpal Singh started abusing. In the meantime, Harpal Singh fired at him (complainant) with his revolver which struck him on the knee of his left leg. He fell down in an injured condition

and Harpal Singh alongwith Satnam Singh @ Sattu fled away from the spot.

He (complainant) was got admitted to the hospital by one Arjinder Singh.

3. The learned counsel for the petitioner contends that no injury whatsoever had been attributed to the petitioner. The injury with a fire-arem had been attributed to the co-accused/Harpal Singh. As the petitioner was in custody since 12.07.2023, none of the 17 prosecution witnesses had been examined so far and there was only one other case registered against him under the Arms Act where he had been granted the concession of bail vide order dated 14.08.2023 passed by the Judicial Magistrate Ist Class, Ajnala (Annexure P-4), he was entitled to the concession of bail in this case as well.

4. The learned counsel for the State, on the other hand, contends that the petitioner alongwith his co-accused Harpal Singh had gone to the spot and even though the gun-shot injury had been attributed to Harpal Singh, the petitioner could not escape liability having accompanied the main accused. She, however, concedes that the petitioner is in custody since 12.07.2023, none of the 17 prosecution witnesses had been examined so far and that in the one other case registered against him, he had been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner has not been attributed any injury. The injury has only been attributed to his co-accused Harpal Singh. The petitioner is stated to be in custody since 12.07.2023 and none of the 17 prosecution witnesses has been examined so far. In the one other case registered against him, he has been granted the concession of bail. Therefore, the further incarceration of the petitioner is not required.

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7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Satnam Singh @ Sattu is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. In addition, the petitioner (or someone else on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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.

(JASJIT SINGH BEDI)
JUDGE

November 02, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No