

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

CRM-M-52898-2022

Date of Decision:-16.02.2023

Satpal Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

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

Present:- Mr. Pushp Jain, Advocate for the Petitioner.

Mr. Shubham Kaushik, Assistant Advocate General,
Punjab.

Mr. Sartaj Singh Thakur, Advocate for
Mr. TPS Tung, Advocate for the Complainant.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.123 dated 31.07.2022 under Sections 307, 506, 148, 149 IPC & Section 25/54/59 of Arms Act registered at Police Station Sadar Khanna, District Khanna.

The brief facts of the case are that the statement of Palwinder Singh @ Kalu was recorded to the effect that on 31.07.2022 he along with Gurdeep Singh, Narinder Singh @ Lucky and Mandeep Singh went in a car bearing registration number PB-49C-0878 to Satpal Singh Sarpanch (petitioner) in relation with some work. When they reached at about 1.00 am and were waiting for him then Narinder Singh @ Lucky made a

telephonic call to him (Satpal Singh) who asked them (complainant party) to come towards the dhaba. While they (complainant party) were going towards Dhaba one Tata Tempo came and the driver of the same crossed their (complainant party's) car at a high speed hitting a stray animal. They (complainant party) started following the tempo. At about 1.40 am they (complainant party) parked their car in front of the tempo. Then Mandeep Singh asked the tempo driver as to why he had crossed their (complainant party's) car at a high speed. Meanwhile, the petitioner along with his son Gurmeet Singh, Gurpreet Singh and three four unknown persons came in a Innova car. The petitioner was carrying a 12 bore rifle, Gurpreet Singh an iron rod and the other unknown persons were carrying rods in their hands. The petitioner fired a shot towards him (complainant) hitting him on his left arm. A second shot was fired at Gurdeep Singh @ Deepak striking his back. The other accused gave rod blows to Narinder Singh @ Lucky. The motive was a financial dispute between them (complainant party) and the petitioner.

Based on the said information, the present FIR came to be registered.

The counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact it was the complainant party that had come in front of the godown of the petitioner and threatened him. A Cross version (Annexure P-2) stands registered at the instance of the Gurmeet Singh son of the petitioner. Since a licensed weapon was used, Section 97 IPC would come to his aid as the petitioner had fired in his self defence. In fact the complainant party were habitual offenders and as many as 04 FIRs stood registered against them. The two material witnesses,

namely, PW-1 Gurdeep Singh and PW-2 complainant Parminder Singh already stood examined. Since the petitioner was in custody since 31.07.2022 and 15 more prosecution witnesses were yet to be examined, the petitioner was entitled to the concession of bail.

The learned Counsel for the State on the other hand contends that the petitioner is the only accused and has been attributed the gunshot injuries on the complainant party. The nature of the allegations did not entitle him to the grant of bail. He however, concedes that two of the main witnesses including the complainant and the injured stand examined.

The Counsel for the complainant has vehemently opposed the bail application. He contends that the petitioner was not entitled to the grant of bail in view of the serious nature of the allegations against him.

I have heard learned Counsel for the parties at length.

Whether or not the petitioner had fired in his self defence would be a matter of adjudication during the Trial. The petitioner is in custody since 31.07.2022 and two of the main prosecution witnesses already stand examined. Therefore, there is no threat of the witnesses being pressurized at the instance of the petitioner. 15 more prosecution witnesses are to be examined and therefore, the Trial of the present case is not likely to be concluded any time soon. As such the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petition is allowed and petitioner-**Satpal Singh** son of Sh. Chunni Ram 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 that he is not involved in any other crime other than the cases mentioned in this order.

In addition, the petitioner (or any one on their behalf) shall prepare a FDR in the sum of Rs.1,00,000/- 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.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

Feburary 16, 2022

Vinay

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