

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(215)

[CRM-M-58218-2022](#) (O&M)
Date of decision:- 27.07.2023

Surjit Singh alias Darha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Hitesh Verma, Advocate for the petitioner.

Mr. Arun Luthra, DAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

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

FIR No.	Dated	Police Station	Sections
59	20.06.2021	Sadar Rampura, District Bathinda	307, 341, 323, 148 and 149, IPC and Sections 25 and 27 of the Arms Act, 1959.

2. Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Gulab Singh on the allegation that there was some dispute regarding agricultural land in the village. Surjit Singh @ Bhola tried to take forcible possession of the land on 16.06.2021 and an FIR was registered. As the FIR was pursued by the complainant, Surjit Singh @ Bhola had a grudge against him. On 20.06.2021, Surjit Singh @ Bhola, who was carrying a wooden stick, along with the accused reached the agricultural fields. Chamkaur Singh, Gurmail Singh, Jarnail Singh and Rajwinder Singh were all armed with Guns, Saudagar Singh, Resham Singh, Jagmohan Singh, Gurpreet Singh and Sukhpal Singh were carrying Gandasa, swords and other deadly weapons Another 20-25 unknown persons also accompanied them. Surjit Singh @ Bhola instigated the co-

accused. Chamkaur Singh, Gurmail Singh, Jarnail Singh and Rajwinder Singh fired from their weapons causing injuries to the complainant as well as his companions. When an alarm was raised by them, villagers started gathering and the accused fled from the spot leaving the guns behind.

3. Counsel for the petitioner contends that it is a case of version and cross-version, which has been registered at the instance of accused, Chamkaur Singh. Counsel submits that petitioner has not been named in the FIR and he has been arraigned as an accused on the basis of a supplementary statement of Jasvir Singh @ Veerpal Singh, which was recorded six days later, wherein he alleged that the petitioner was also armed and caused a gun shot injury to him. Counsel submits that Surjit Singh @ Bhola and Chamkaur Singh have been released on bail by this Court vide order dated 27.09.2022 and 17.10.2022, Annexures P-2 and P-3, respectively. Still further, by making a reference to order dated 11.10.2022, Annexure P-5, passed by this Court, counsel submits that Surjit Singh @ Bhola, who is similarly placed as the petitioner, as his name was also disclosed in the supplementary statement of a victim, has also been granted regular bail. Counsel asserts that no recovery has been effected from the petitioner, challan has been presented and the petitioner, who has an unblemished past, is languishing behind bars.

4. *Per contra*, State counsel, upon instructions from ASI, Karan Singh, has opposed the petition and has argued that there are serious allegations against the petitioner, who was armed and fired shots upon the complainant and his companions with an intention to kill them. He submits that supplementary challan has been presented against the petitioner on 22.12.2022. An apprehension has been expressed by the State counsel that

in case the petitioner is released on bail, there is a possibility that he may try to influence the witnesses.

5. Having heard counsel for the parties and considering their respective submissions, this Court is prima facie of the view that the role ascribed to the petitioner would remain a subject matter of trial and it does not require any comment at this stage. Petitioner, who is in custody for the last almost ten months and enjoys an unblemished past, deserves to be released on bail during the pendency of the proceedings before the Trial Court.

6. 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 Area Magistrate/Duty Magistrate/Trial Court concerned.

7. To allay the apprehension of the State, it is ordered that while being released on bail, petitioner shall furnish a specific affidavit to the effect that he will not contact the complainant or any of the prosecution witnesses or try to influence them in any manner. In case, the petitioner violates the undertaking, liberty is granted to the State to seek cancellation of bail.

8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

27.07.2023
Kamal

(SUVIR SEHGAL)
JUDGE

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