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(223)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13099-2024

Date of Decision: 04.04.2024

SATNAM SINGH @ SATTU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manbir Singh Batth, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. J.S. Grewal, Advocate for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0064 dated 24.07.2023 registered under Sections 307, 506, 148, 149 IPC, 1860 and Sections 25 and 27 of Arms Act, 1959 at Police Station Sadar, Rupnagar, District Rupnagar.

2. The present FIR came to be registered at the instance of Harmeet Singh son of Jasveer Singh and the same reads as under:-

"Copy of statement. Statement of Harmeet Singh son of Shri Jasveer Singh, resident of Village Lohgarh Fidday, Police Station Sadar Rupnagar, District Rupnagar, aged 29 years. Mobile No. 95927-90807. Stated that I am resident of the above-mentioned address and I am doing the work of agriculture. My elder paternal uncle Avtar Singh son of Harbans Singh, resident of Village Lohgarh Fidday has since given the land of his share on lease hold to Binder Singh and Satnam Singh alias Sattu sons of Bahadar Singh, residents of Roul Majra and my elder paternal uncle has

since installed motor in his land. Today on 24.07.2023 at about 05:30 PM, I and my brother Pardeep Singh had been watering paddy in my field with the canal water, then Satnam Singh alias Sattu and Binder Singh both came in the land, who stopped our water. When I and my brother Pardeep Singh restrained them from doing so, then they started giving beatings to us. The right leg of my brother Pardeep Singh, in which rod has already been inserted, Binder hit with spade on the same and Satnam Singh alias Sattu caught hold of me from beard. Our scuffle kept on taking place for a considerable period. On hearing hue and cry, my mother Maninder Kaur came running, who raised hue and cry then Binder said to his brother Satnam Singh alias Sattu that you may bring gun from the house, today we have to eliminate them, then Satnam Singh alias Sattu fled away from the spot after boarding on the motorcycle, then after sometime Parminder Singh son of Rana, Satnam Singh alias Sattu, Harjot Singh i.e. all the three persons after boarding on the motorcycle came, Satnam Singh alias Sattu was having double barrel rifle 12 Bore and Parminder Singh alias Rana and Harjot Singh were having dandas. Behind them a vehicle make Bolero of white colour came, in which 6-7 persons were boarding, who were also having dandas and Rana was driving the vehicle, then Satnam Singh alias Sattu raised lalkara today you have not to be left alive, we will heave a sigh of relief only after eliminating you all, then Satnam Singh alias Sattu just instantly after coming, made fire with the rifle towards us with the intention to commit murder, then Manpreet Singh son of Avtar Singh present at the spot pressed the barrel of the rifle towards downward and the fire hit on the right leg of my brother Pardeep Singh. Blood started oozing from the leg of my brother. From the vehicle make Bolero, Rana, Harman son of Balli, Upi son of Pall Singh, Rana son of Nasib Singh,

residents of Raul Majra and 2/3 other persons came after getting down and Harjot Singh, Parminder Singh who had come on the motor cycle, they all also gave beatings to my wife Navneet Kaur as well as mother Maninder Kaur. A number of people gathered at the spot. The above-mentioned persons while seeing the gathering of people along with their weapons and vehicles while extending threats and raising lalkaras fled away from the spot. Thereafter Paramjeet Singh alias Pammu after making arrangement of a conveyance got admitted my brother Pardeep Singh and mother Maninder Kaur as well as wife Navneet Kaur for treatment at Civil Hospital, Rupnagar. The motive of the occurrence is that I and my brother Pardeep Singh had been irrigating our fields with the canal water, by whom our canal water was stopped, regarding which on enquiring reason for doing so from them by my brother Pardeep Singh as well as me, they gave beatings to both of us and in order to eliminate us made fire shots with the rifles. Appropriate legal action may be taken against the above-mentioned persons. My statement has been got recorded to you at Village Lohgarh Fidday in the presence of my elder paternal uncle Avtar Singh, gone through, heard, the same is correct. Sd/- Harmeet Singh.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The statement of the mother of the complainant and the injured namely, Pardeep Singh were recorded under Section 161 Cr.P.C. wherein they have not referred to the role of the petitioner as having fired at Pardeep Singh/injured. In fact, there were two injuries suffered by Pardeep Singh one of which was simple in nature whereas the other one was grievous in nature. No surgical procedure was required to be conducted. This Court had directed the relevant witnesses

namely, Harmeet Singh and injured-Pardeep Singh to be examined at the first instance vide order dated 20.03.2024. However, for obvious reasons with a view to frustrate the present bail petition, both the witnesses absented themselves on 21.03.2024. As the petitioner was in custody since 25.07.2023 and none of the 26 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that serious allegations had been levelled against the petitioner and his co-accused. It was the petitioner who had fired at Pardeep Singh/injured. Therefore, he was not entitled to the concession of bail as prayed for. He, however, concedes that the petitioner was a first-time offender, in custody since 25.07.2023 and that none of the 26 of the prosecution witnesses had been examined so far.

5. The learned counsel for the complainant has vehemently opposed the bail petition contending that the petitioner was the main accused. Therefore, he was not entitled to the concession of bail. In fact, an application for exemption was moved on behalf of the witnesses only on one date and their statements could be recorded later.

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

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 25.07.2023 and none of the 26 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded

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anytime soon. In this situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Satnam Singh @ Sattu son of Bahadar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. 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.

10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an 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 the trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

04.04.2024

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No