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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-24533-2024
Date of Decision: 24.07.2024

Satwinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Abhinav Gupta, Advocate
for the petitioner.

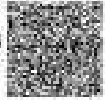
Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

Mr. S.P.S. Sidhu, Advocate
for the complainant.

HARSH BUNGER, J. (ORAL)

1. Petitioner (Satwinder Singh) has filed this petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.173, dated 11.10.2020, registered under Sections 302, 506, 148, 149 and 120-B of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, at Police Station Bhikhiwind, District Tarn Taran.

2. Custody certificate dated 23.07.2024 of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

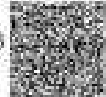


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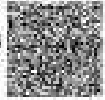
PPS, Deputy Superintendent of Police, Headquarters Tarn Taran has been filed on behalf of respondent/State of Punjab, which is already on record.

4. Succinctly, the abovementioned FIR was registered on the statement of complainant-Danesh Kumar son of Paramjit Kumar, resident of Khalra Mandi, Police Station Khalra, District Tarn Taran, who stated that on 11.10.2020 at about 06:00/07:00 p.m., he alongwith Mandeep Kumar @ Monu son of Paramjit Kumar (brother-in-law of complainant) and few other persons namely Paramjit Singh son of Tirath Ram, brother of the father-in-law of complainant and one Deepak Kumar son of Vijay Kumar (employee of petrol pump) were sitting on the petrol pump-Raj Kumar Brothers Petrol Pump, Khem Karan Road, when petitioner-Satwinder Singh (mentioned as Satinder Passi in the FIR) armed with *.315 bore rifle*, Gurpreet Singh @ Gopi (son of petitioner) armed with pistol, Charanjit Singh (son of petitioner) armed with *12 bore riffle*, Harbhajan Singh son of Banta Singh armed with *12 bore rifle*, Surjit Singh son of Harbhajan Singh armed with *datar* alongwith 15-20 unidentified armed persons came at the passage adjoining the petrol pump, regarding which there was a dispute between the parties. It is stated that when complainant, along with Mandeep Kumar @ Monu, came forward then Gurpreet Singh @ Gopi (son of the petitioner) fired a direct shot from his pistol at Mandeep @ Monu which hit in his right flank and Mandeep @ Monu fell down. Gurpreet Singh @ Gopi, along with assailants fled away from the spot with their respective weapons while firing shots and giving threats. Complainant along with Deepak Kumar arranged for a vehicle and took Mandeep Kumar to Dhawan Nursing

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Home, Bhikhwind, where Mandeep Kumar was declared as dead. As per the FIR, the motive behind the occurrence was a dispute with respect to passage adjoining the petrol pump, which leads to the colony, wherein 16 feet area belongs to the complainant, but the petitioner claimed the same to be his ownership. The said dispute led to the murder of Mandeep Kumar.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that a group of assailants headed by Mandeep Kumar @ Monu (deceased), who was brother-in-law of the complainant, armed with deadly weapons, attacked the petitioner on his land. It is further submitted that Mandeep Kumar @ Monu (deceased) was aiming gun at Satwinder Singh (petitioner), on seeing this, Gurpreet Singh @ Gopi (son of the petitioner) ran towards the assailants and in order to save the petitioner, Gurpreet Singh @ Gopi caught hold of the hands of Mandeep Kumar @ Monu and during the scuffle, the trigger of the Mandeep Kumar @ Monu's gun got pressed by him only, due to which the deceased suffered a bullet injury. Learned counsel further contends that in the present case, the first SIT (Special Investigation Team) disbelieved the versions' of the complainant as alleged in the FIR and all the material improvements made by him in the supplementary statements. It is further submitted that the SIT, on the basis of CDR's, CCTV footage and Tower location's, supported the version narrated by the son of the petitioner (Gurpreet Singh @ Gopi). It is further submitted by learned counsel for the petitioner that neither any injury has been attributed to the petitioner nor any recovery has been made from him. It is submitted that the petitioner is not

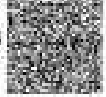
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involved in any other case. Learned counsel for the petitioner submits that the petitioner is in custody since 03.10.2023 and has undergone 09 months and 20 days as on 23.07.2024. It is stated that investigation in the present case is complete and supplementary challan has been presented on 20.01.2024. The trial is likely to take some time to conclude and no useful purpose would be served by keeping him behind the bars any further. Learned counsel further submits that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

6. Per contra, learned State counsel as well as the counsel for the complainant have opposed the prayer of the petitioner for grant of regular bail on the ground of seriousness and gravity of the offence, wherein Mandeep @ Monu lost his life. It is submitted that the petitioner along with his accomplices armed with deadly weapons had committed the heinous crime by murdering Mandeep @ Monu. Learned State counsel further states that there is an apprehension that in the event of grant of bail, the petitioner may influence the witnesses or may even abscond to delay the trial. Accordingly, prayer has been made for dismissal of the present petition.

7. I have heard learned counsel for the parties and perused the paper book, status report as well as the custody certificate of the petitioner handed over by learned State counsel.

8. In the instant case, the petitioner is one of the accused who was present at the spot at the time of occurrence and is facing serious/grave charges. It is noticed that prior to arrest of petitioner on 04.11.2023,

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petitioner had evaded his arrest for almost two years.

9. The apprehension expressed by State that if released on bail, there is every likelihood of the petitioner trying to tamper with prosecution evidence by giving threats and inducements to the prosecution witnesses and even absconding to prolong the trial, cannot be brushed aside lightly.

10. Accordingly, the present petition under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner (Satwinder Singh) in case FIR No.173, dated 11.10.2020, registered under Sections 302, 506, 148, 149 and 120-B of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, at Police Station Bhikhiwind, District Tarn Taran; is dismissed.

11. Nothing stated here-in-above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

12. All pending application(s), if any, shall also stand disposed of.

24.07.2024*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No