



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-26216-2024
Date of decision: September 2nd, 2024

Satgur Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. D.P.S. Bajwa, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

Mr. G.S. Phull, Advocate
for Mr. M.K. Dhot, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.112 dated 24.08.2023 under Sections 307, 341, 506, 34 of the Indian Penal Code, 1860 at Police Station Moonak, District Sangrur.

2. Learned counsel for the State has at the outset, opposed the prayer of the petitioner for being extended the concession of bail. Learned State counsel has contended that the previous petition under Section 439 of the Cr.P.C. filed by the petitioner was dismissed as withdrawn as recently as on 05.03.2024, and since then, no material change in circumstances has occurred that would justify entertaining the present petition.

3. On a pointed query put to the learned counsel for the

petitioner whether any material change in circumstances had arisen, the learned counsel has directed the Court's attention to the DDR annexed as Annexure P-6. It has been argued that a cross-version of the occurrence in question has since been recorded by the police against the complainant party.

4. Furthermore, learned counsel for the petitioner has argued that this is a case of false implication, and in fact it was the complainant party which was the aggressor and had inflicted multiple injuries on the person of the petitioner himself. In support, learned counsel has drawn the attention of this Court to the Medico Legal Report of the petitioner annexed as Annexure P-3. Additionally, it has been asserted by the learned counsel that the petitioner has been in custody since 06.09.2023, and there is no likelihood of the trial concluding in the near future, as none of the 19 witnesses cited by the prosecution have been examined to date. Given these circumstances, learned counsel for the petitioner has argued that further incarceration of the petitioner would serve no useful purpose.

5. On the other hand, the learned State counsel has opposed the prayer and submissions of the learned counsel for the petitioner primarily on three grounds. First, the learned State counsel has reiterated that there has been no material change in circumstances since the withdrawal of the previous petition on 05.03.2024. Second, the allegations in the FIR (Annexure P-1) clearly indicate the active participation of the petitioner along with the co-accused in the crime; the learned State counsel has highlighted that the petitioner, along with co-accused inflicted injuries on Harmel Gir, which was declared to be

grievous and dangerous to life. It has also been asserted by the learned State counsel that the petitioner is the prime accused, who orchestrated the crime and the iron spade used by him in the occurrence in question was recovered from his possession.

6. It has still further been argued by the learned State counsel that if the petitioner is released on bail at this stage, there is a strong likelihood that he would tamper with evidence, attempt to abscond, or even intimidate the complainant party, especially since the prosecution witnesses have yet to be examined. While acknowledging that the cross-version has been registered at the behest of the petitioner party, the learned State counsel, on instructions, has submitted that investigation into the cross-version is underway and mere registration of a cross-version would not in any manner absolve the petitioner of his role in the crime in question, including the injuries attributed to him, which are corroborated by the medical evidence on record. The learned State counsel, on further instructions, has submitted that the recording of prosecution evidence is due to commence on the next date of hearing.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Before proceeding further, it would be apposite to reproduce the contents of the FIR, which are as under:-

“Statement of Harmel Gir son of Nihal Gir son of Kahan Gir resident of Foolad P.S. Moonak District Sangrur age about 40 years, Mobile No. 9463861954, stated that I am resident of the above said address. I do agricultural work. On 19.08.2023 at around 6:30 am, I had went to my field which is towards Makod Sahib. When I was taking out the the excess water of flood from my field, then my field's neighbor

*Satgur Singh son of Balwant Singh, Bikramjit Singh alias Vicky son of Gamdoor Singh, Simranjeet Singh alias Babla son of Jaswinder Singh residents of Foolad came to me on my field riding their motorcycles and tried to stop me from draining the water. So we had an altercation. These people beat me also. These three threatened me that they will see me and went from the site riding their motorcycles. That's why I called my father on the site by telling about abovesaid incident. After my father came to the field, of us were coming to the Police Station Moonak on my motorcycle to inform about the incident. When we reached the main road that goes from Foolad to Makod Sahib, then **Satgur Singh**, Bikramjit Singh alias Vicky, Simranjeet Singh alias Babla, Hakam Singh @ Bhola of Chadi Singh resident of Foolad were already standing on the road and held sickle in their hands and surrounded my motorcycle. Then Bikaramjit Singh alias Vicky gave a lakara and said that hold him, he should not spared today. Then abovesaid Hakam Singh caught hold of my father and confined him on the side and meanwhile Bikramjit Singh alias Vicky and Simranjit Singh alias Babla caught hold of my arms and confined me. **Satgur Singh** who was standing behind me attacked me on the right side of my head with the sickle held by him with the intention to kill me. I got badly injured and I fell down as could not tolerate the pain. Then all four ran from the spot with their weapons saying that he has died and let us run away. Then my father Nihal Gir and my nephew Simran Gir alias Chammi arranged the vehicle and got me admitted for treatment in SDH Moonak hospital. I was referred to Rajendra hospital Patiala and my treatment is going here. Legal action be taken against the accused."*

9. Upon a perusal of the allegations levelled in the FIR, it *prima facie*, appears to be a premeditated attack in which the petitioner, along with the other accused, actively participated. The petitioner is alleged to have struck the complainant with a sickle on various parts of his body including his head. The complainant sustained a grievous injury on his head, which as already submitted by the learned State

counsel, finds *prima facie* corroboration with the medical evidence on record.

10. While the learned counsel for the petitioner has argued that a cross case has been registered against the complainant, this Court will refrain from delving into the merits of the allegations in the cross case, as it is still under investigation. Furthermore, determining which of the two versions-the one presented in the FIR or the cross case-is accurate will ultimately be a matter of trial.

11. Lastly, the learned counsel for the petitioner has failed to demonstrate any material change in circumstances that would justify entertaining this petition at this stage.

12. Given the serious nature of injuries involved, coupled with the fact that the trial is at a stage where key witnesses, including the injured, have not yet been examined, this Court is not inclined to extend the concession of bail to the petitioner.

13. The instant petition stands dismissed.

14. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 2nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No