

2024:PHHC:152588



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

214

CRM M-42091 of 2024  
Date of Decision:20.11.2024

|                      |        |                |
|----------------------|--------|----------------|
| Satnam Singh @ Fauji |        | ...Petitioner  |
|                      | Versus |                |
| State of Punjab      |        | ... Respondent |

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. M.K. Sidhu, Advocate  
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. K.B. Raheja, Advocate  
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.0075 dated 20.06.2020 registered under Sections 307, 506, 148 and 149 of IPC and Sections 25/27 of Arms Act 1959 (later on offences under Sections 148/149 of IPC are deleted and under Sections 201 and 34 IPC are added) at Police Station Makhu, District Ferozepur.
2. Learned counsel for the petitioner contends that the occurrence had taken place on 16.06.2020 whereas the FIR has been

registered on 20.06.2020 after unexplained delay of 04 days. He further contends that it is a case of version and cross-version and on the basis of the statement made by Sher Singh son of Udham Singh one DDR No. 30 dated 24.06.2020 has been registered against the complainant side in the present case. Thus, the question of aggressor is yet to be adjudicated by the trial Court during the course of trial. Learned counsel further contends that as per the allegations levelled by the complainant, the petitioner was armed with a .12 bore gun and had caused injury on the chest of the complainant. However, all the injuries have been declared to be simple in nature and complainant was discharged from the hospital on 20.06.2020 itself. Still further, Nishan Singh, Harpinder Singh and Kashmir Singh were declared innocent by the police during the course of investigation, which clearly shows that most of the version of the complainant has been found to be false.

3. On the other hand, learned State counsel as well as learned counsel for the complainant have vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was earlier declared as a proclaimed offender. Still further, the petitioner was also having a dispute with the complainant side and he may tamper with the prosecution evidence.

4. I have heard learned counsel for the parties and perused the record.

6. As per the case set up by the prosecution, the petitioner was armed with a .12 bore gun and gave fire shots at the left side of the chest of the complainant. Still further, it is a case of version and cross-version and the question of aggressor is yet to be determined by the trial Court during the course of trial. Further, all the injuries suffered by the injured have been declared to be simple in nature. Thus, the petitioner, who is in custody since 24.04.2024 cannot be kept behind the bars for an indefinite period. Still further, no doubt, the petitioner was declared as proclaimed offender, however, now he is in custody for the last 07 months.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

*(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*

*(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*

*(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*

- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.*
- (vii) *The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

20.11.2024  
amit rana

(N.S.SHEKHAWAT)  
JUDGE

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