



214

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

CRM-M-43326-2024

Date of decision : 10.09.2024

Santokh Nahar**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Amanpreet Singh Pannu, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed by the petitioner under Section 483 B.N.S.S. praying for grant of regular bail in case FIR No.62 dated 26.03.2024, under Sections 307, 353, 186, 332, 148 & 149 IPC and Sections 25/27 of Arms Act, registered at Police Station Dasuya, District Hoshiarpur, Punjab.

Adumbrated facts of the case are that the police party on receiving a secret information conducted a raid on a house disclosed to them. However, once the police party entered the house, the accused persons i.e. the inmates of the house opened the door and attacked on the police party. The petitioner along with his co-accused attacked upon the police party, whereas, co-accused, namely, Taljinder Kaur allegedly brought the gun from inside and handed it over to the co-accused for firing at the police. During the raid, the police also fired at the co-accused, namely, Sucha Singh, from their service revolver who lateron succumbed to the injuries. The police registered the FIR and the investigation



commenced. The petitioner was arrested on 26.03.2024. The petitioner approached the Court of Learned Additional Sessions Judge, Hoshiarpur praying for grant of bail, however, the same was declined after hearing both the side by the Ld. Additional Sessions Judge vide order dated 30.07.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in this case. He submits that the police party intentionally implicated the whole family of the petitioner. He submits that the co-accused of the petitioner i.e. Sucha Singh had died on receiving the bullet injury from the police. It is submitted that as per FIR, petitioner carrying Axe (Kuhara) along with his co-accused armed with their respective weapons came out of the room in the courtyard and gave injuries to one police official. He prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Satnam Singh, who has already been granted bail by this Court vide order dated 03.09.2024 passed in **CRM-M-41939-2024** titled as '**Satnam Singh Vs. State of Punjab**'. It is submitted that even otherwise, the investigation is already complete and nothing has been recovered from the petitioner and in the overall facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that petitioner alongwith his co-accused had attacked upon the police party. He submits that in all there were 07 accused, however, one of the accused i.e. Sucha Singh had died, whereas the challan has been presented against all 06 co-accused.



Heard. On hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested on 26.03.2024. As per the allegations in the FIR, the petitioner along with his co-accused attacked upon the police party. The investigation in the case is already complete. Other co-accused of the petitioner, namely, Taljinder Kaur, Jasvir Kaur and Satnam Singh have already been granted bail by this Court.

The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

10.09.2024
ps-I

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