

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65433-2023
Date of Decision:10.01.2024

Tarlochan Singh ...Petitioner

vs.

State of Punjab ...Respondent

Coram : **Hon’ble Mr. Justice N.S.Shekhawat**

Present : Mr. Gaurav Verma, Advocate for
 Mr. Ankur Jain, Advocate
 for the petitioner.

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

Mr.Sukhbir Maandi, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 65 dated 05.08.2023, registered under Section 307 of IPC and under Sections 25/54/59 of Arms Act, Police Station Chola Sahib, District Tarn Taran (Annexure P-1).
2. The FIR in the present case was registered on the basis of the statement made by Gurbachan Singh, brother of the complainant. As per him, he was having a land dispute with his brother Tarlochan Singh i.e. the present petitioner for the last about 02 years. At about 11:45 P.M. on 05.08.2023, Harmanjot Singh son of the complainant and Shinder, labourer were present in the fields and in the meantime, the petitioner, who was armed with 12 bore licensed rifle, pointed his rifle towards the son of the complainant and Shinder and fired 2/3 gun shots. Consequently, the pellets hit on the knees of Harmanjot

Singh and Shinder also suffered injuries on his waist. The complainant raised alarm and the accused fled from the spot with his weapon.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 05.08.2023. He further contends that the challan in the present case has already been filed on 03.11.2023 and the charges are yet to be framed against him. The conclusion of the trial may take quite a long time. Learned counsel further contends that in the present case, a cross version was also registered by the police on the basis of the statement made by present petitioner, however, the said version was wrongly cancelled by the police. He further contends that the petitioner had also received simple injuries in the occurrence and the question of aggressor is yet to be decided by the Court.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner is the neighbour of the injured and may influence the witnesses of the prosecution. Learned State counsel further submitted that the petitioner is the main accused and does not deserve the concession of bail by this Court.

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

6. The petitioner is in custody since 05.08.2023 and the trial is not even started formally before the Trial Court. The prosecution has placed reliance on 12 witnesses and the prosecution evidence is yet to be recorded before the Trial Court. Apart from that, the petitioner had also suffered simple injuries in the occurrence and a cross version was initially registered on his statement.

7. Without commenting on the merits of the case, the present petition

is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties*

*and may also impose any other condition, in accordance with law,
while accepting the bails bonds and surety bonds of the petitioner.*

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

10.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No