

2025:PHHC:105408



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

226

CRM M-43198 of 2025

Date of Decision: 13.08.2025

Jatinder Kumar

...Petitioner

Versus

State of Punjab

... Respondent

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

Present : Mr. Sandeep Arora, Advocate, for the petitioner.

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

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the second petition under Section 483 of B.N.S.S., 2023 with a prayer to grant a regular bail in case FIR No.04 dated 04.01.2024 registered under Sections 379-B, 307, 34, 120-B, 115 and 326 of IPC and Sections 25, 27 and 29 of Arms Act, 1959 at Police Station Nakodar Sadar, District Jalandhar Rural.
2. The FIR in the present case has been registered on the basis of the statement made by Kuldeep Singh and the same has been reproduced below:-

“Statement of Kuldeep Singh son of Santokh Singh resident of village Saham, police station Sadar Nabandar, district Jalandhar, age about 41 years Mobile

98581-98582. Stated that I am resident of above mentioned address. I am doing the work of agriculture and poultry farming. On 01.01.2024, at around 5 PM, I was returning from my poultry farm on my motorcycle mark Platina to my house and when I reached the motor of Balvir Singh of our village, then from the front side, two persons with muffled faces came there on a motorcycle make Splendor without number, who by bringing their motorcycle in front of my motorcycle stopped me. Both these persons alighted from their motorcycles, one of them was holding a pistol in his hand and the other had a datar in his hand and on coming towards me, the person who was holding datar asked me to hand over all the valuables I was having and to hand over to them. The person who was carrying pistol pulled out Rs.2000/- from my pocket and the person who was holding datar said that now shoot him. I after throwing my motorcycle ran away towards the potato fields on my right hand side. Then the person who was carrying pistol fired upon me with an intention to kill me. The bullet passed near my right ear. The potato fields were wet so I fell down and in the meantime both the aforesaid persons also came there and then 1 after standing tried to run away. Then the person holding pistol caught hold me and threw me down. Then the second person with an intention to kill me gave continuous datar blows to me. The datar blows hit me on the back side of my head, below my left eye, on the wrist of my right hand, on the palm of my right hand, and they also inflicted internal injuries to me. While grappling

with the person who was carrying pistol in his hand, cloth on his face got removed. I can recognize him in case he came in front of me. When that person was giving datar blows to me and I was grappling with the person who was holding pistol, the datar blow also got hit him by his associate and he also got injured. I raised roula Mar Dita Mar Dita. On hearing the roula and bullet fire noise, Iqbal Singh son of Pritam Singh, resident of Saham, and my sister Satwinder Kaur, wife of Harpreet Singh, resident of Chitti police station, Lambran and other people of the village came to the spot. On seeing the people of the village gathering, both the assailants tried to ran away from the spot. I caught hold the person who was having pistol in his hand and the other person successful to ran away on his motorcycle. The people caught the person who was caught by me. On account of many injuries suffered by me, my sister Satwinder Kaur wife of Harpreet Singh, resident of Chitti, after arranging for the vehicle got me admitted to Armaan Hospital, Jalandhar for treatment. Where I am under treatment. I have came to know that the person to whom I have caught his name is Surinderpal Singh son of Rabel Singh, resident of Kalanaur, district Gurdaspur who in association with his associate has inflicted injuries to me with an intention loot me. Appropriate action should be taken against them. I have got recorded my statement in the presence of my sister Satwinder Kaur. On account of plaster on my right hand, I could not sign. I am putting my left hand thumb impression below the statement. I have got

recorded my statement and have heard it, which is correct. LTI Kuldeep Sink) (Thumb impression) attested by Sd/-Satwinder Kaur verified by Major Singh ASI Police Station Sadar Nakodar District Jalandhar dated 04.01.024”.

3. Learned counsel for the petitioner contends that the petitioner was initially not named in the FIR and there is no allegation in the FIR, which even remotely connects him with the commission of the crime. In fact, police had arrested Sunder Pal Singh, co-accused, who nominated the petitioner as an accused in the present case in his disclosure statement. As per the case of the prosecution, the petitioner was allegedly armed with a *dattar* and gave a blow with *dattar* on the backside of head of the injured in the present case. The petitioner was arrested in the present case on 07th March 2024 and is in custody for the last one year and 05 months. Even, during the course of trial, 04 material witnesses have been examined by the prosecution out of 15 witnesses and further custody of the petitioner may not serve any purpose.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the injuries No. 1 and 3 on the person of injured have been declared to be dangerous to life and both the injuries are attributed to the petitioner, however, he admits that the injured has been discharged in the present case long ago.

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

5. The petitioner is admittedly in custody for the last 01 year and 05 months and the prosecution has been able to examine only 04 witnesses out of 15 witnesses so far. Thus, the trial before the trial Court may not conclude in near future.

6. 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.

(viii) The petitioner shall report every 1st Monday in English calendar month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

13.08.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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