

CNR No.PBGD01-006716-2022

CIS No.BA-2950-2022

Sajan vs. State of Punjab

Present: Shri B.S. Simble, Advocate, counsel for applicant/ accused.
Shri K.S. Gill, Additional Public Prosecutor for the State, with
ASI Rajinder Singh.

Heard. The facts of the case as noticed by this Court while disposing of the application for grant of pre-arrest bail by the applicant/accused are as mentioned below:-

“The FIR has been registered on the basis of the statement made by complainant Bikka Masih. As per the version mentioned in the FIR, on 24.02.2022, at about 6:00 p.m., Bikka Masih and his father were present in the gallery of their house. Some persons started making noise in the street and they were challenging the complainant to come out of the house. When the complainant peeped into the street from the gallery situated in the upper portion of the house, Madan Masih alias Maddu had exhorted the applicant/accused Sajan to fire at the complainant. The applicant/accused had fired a shot with his country made pistol towards the complainant but the same hit into the window pane of the house of the complainant. When the complainant and his father went inside the house, the applicant/accused and his companions tried to enter into the house by damaging the main gate of the house. When the people started gathering, the accused ran away.

So far as the motive of the occurrence is concerned, there is allegation that on 13.01.2022, the applicant/accused and his companions Madan Masih etc. had fired at one Johan son of Jaswinder Singh and a criminal case had been

Rajinder Aggarwal
Sessions Judge, Gurdaspur
(UID No.PB0048)

registered against the applicant/accused and others. The complainant had been pursuing the said case on behalf of the complainant party and due to the said grudge an attempt to kill the complainant was made.”

2. The applicant/accused was arrested on 14.07.2022. As such, he is in custody for the period of more than two months. The investigation has been completed.

3. The learned counsel for the applicant/accused has submitted that the matter has already been compromised between the accused and the complainant party and he has placed on the file photostat copy of the compromise deed. He submitted that the petition for quashing of the proceedings has already been filed before the Hon’ble High Court.

4. The learned Additional Public Prosecutor has placed on the file a list showing that the applicant/accused is involved in two other cases.

5. As already mentioned above, the applicant/accused is no more required by the police for investigation of the case, rather, the investigation has already been completed. No doubt, the question as to if the compromise between the parties is likely to be accepted by the Hon’ble High Court or not would certainly be decided by the Hon’ble High Court in due course. However, at this stage it seems that in view of the facts and circumstances of the case, no useful purpose would be

served by further detention of the applicant/accused. Keeping in view the entire facts and circumstances, the instant application is allowed and the accused/applicant is ordered to be released on bail on his furnishing of bail bonds in the sum of Rs.30,000/- with one surety in the like amount to the satisfaction of Ilqa/Duty Magistrate, but he shall remain bound by the following conditions :-

1. that the accused/applicant shall not leave the country without the prior permission of the Ilqa Magistrate till presentation of challan and thereafter without the permission of the trial Court;
2. that the accused/applicant 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 from disclosing such facts to the Court or to any police officer;
3. that the accused/applicant shall regularly attend the hearing before the trial Court; and
4. that the accused/applicant shall not involve himself in any case of similar nature.

Copy of this order be sent to the Court of concerned Ilqa Magistrate. The instant file be consigned to the record room.

Pronounced :
20.09.2022

(*Vinay*)

Rajinder Aggarwal)
Sessions Judge, Gurdaspur.
(UID No.PB0048)

Rajinder Aggarwal
Sessions Judge, Gurdaspur
(UID No.PB0048)