

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

CRM-M-694 of 2017

Date of Decision: 02 June, 2017

Narinderjit Singh ...Petitioner

Versus

State of Punjab ..Respondent

CRM-M-17514 of 2017

Dilbag Singh ...Petitioner

Versus

State of Punjab ..Respondent

CRM-M-3691 of 2017

Sukhwinder Singh @ Manga ...Petitioner

Versus

State of Punjab ..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vikas Gupta, Advocate
for the petitioner (in all the three petitions)

Mr. Gurveer Sidhu, AAG, Punjab.

FATEH DEEP SINGH, J.

Since all the three above detailed anticipatory bail applications under Section 438 Cr.P.C having arisen out of same very FIR, thus, are being taken up together.

The brief allegations of the complainant Gurjant Singh are that on account of land dispute between the accused-petitioners side and the complainant side on 24.5.2016 while Gurjant Singh along with his

brother Mangal Singh were cultivating his land with their tractors accused side came and at that time Lakhwinder Singh @ Lakha armed with pistol, Jagtar Singh @ Jaggi and Narinderjit Singh both armed with Kirpans and Sukhwinder Singh @ Manga and Dilbagh Singh @ Bagga both armed with .12 bore guns raised a *lalkara*, as a consequence of which, it is alleged that Sukhwinder Singh @ Manga fired from his gun hitting on the lower part of the stomach and right thigh and left thigh of the complainant, whereas, Narinderjit Singh hit the complainant with Kirpan and, thereafter, all the accused ran away.

It is *inter alia* argued by the learned counsel for the petitioners that it is a case of version and cross-version as the side of the petitioners too have received injuries and cross-version on the statement of Sukhwinder Singh @ Manga has been lodged under Section 326 IPC and that it was a case of sudden fight and that it was a counter blast as the petitioners have been handed over the legal and legitimate possession of the land by the revenue authorities and that none of the injuries covered under Section 307 IPC.

Learned State counsel has opposed the grant of bail on the grounds that firearm injuries have been caused and, thus the petitioners are not entitled to any relief and that in cross-version Gurjant Singh has been allowed bail vide order dated 20.12.2016 of this Court and that if allowed bail, the petitioners would influence the witnesses.

Appreciating the submissions, admittedly, it is a case of version and counter-version and what meets the eye that it is free fight over possession of disputed site between the two sides. Learned State counsel to the very query of this Court could not pinpoint from the entire

medical records how the injuries on the injured have been found to be *dangerous to life* when the injuries as per the opinion found on the person of the Gurjant Singh have been denoted as simple in nature and there is no medical evidence to bring about that any of the injuries were life threatening and the entire treatment record does not bears out so, thus a debatable issue has arisen and in view of the fact that it is case of version and cross-version and free fight between the two sides in which both sides received injuries and that culpability, if any, shall be determined at the time of trial and so the element as to who was aggressor and it would be travesty of justice to send the petitioners behind the bars. Thus, the applications stand allowed. In the event of arrest of the petitioners, they be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

June 02, 2017
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(FATEH DEEP SINGH)
JUDGE

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