

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

1. CRM-M No.12292 of 2018 (O&M)

Udey Partap Singh

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.18491 of 2018 (O&M)

Munish Kumar

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 14th May, 2018

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. Harjinder S. Mavi, Advocate and
Mr. Vinod K. Kataria, Advocate
for the petitioners.

Mr. Jagmohan Ghumman, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Both these second regular bail applications of petitioners
Udey Partap Singh and Munish Kumar having arisen in the same very
occurrence/FIR bearing No.81 dated 21.04.2016 under Sections 302,
307, 325, 324, 323, 148, 149, 201 IPC pertaining to Police Station Dera
Bassi, District SAS Nagar (Mohali) are being taken up and disposed off
together.

The brief allegations are that on 21.04.2016 in the morning around 9.30 a.m. when Raman Kumar complainant along with others consisting of Megh Raj, Mohinder Singh (deceased), Rajpal, Sandeep Kumar @ Pintu, Chaman Parkash @ Billa and Rinku were sitting in the fields, a confrontation ensued between the two sides, the latter consisting of Gulab Singh, Charan Singh, Vijender, Abhay Partap, Tarun Partap, Bakhshish Singh, Ajay Partap Singh, Paramjit Singh, Srivastava, Tillu @ Vishav Partap, Jasbir Singh including petitioners Udey Partap Singh and Munish, armed with fire-arms and other dangerous weapons like kirpans, kulharis, gandasis, etc. and who trespassed into the disputed land to harvest the standing crop. It is alleged that Charan Singh gave a fire-arm shot with his gun which sneaked past left arm of the complainant followed by a fire from his gun by Gulab Singh towards Megh Raj which missed his ear. Similar shots were fired by Vijender and Tarun Partap towards Megh Raj hitting him on the upper and lower left arm as well as chest. Bakhshish Singh gave a fire hitting Megh Raj on the stomach and Vijender Singh gave a fire on the right leg of Megh Raj. It is further alleged that Ajay Partap hit a blow of kirpan on the right side of head of Chaman Parkash. Vishav Partap alias Tillu gave a gandasi blow on Sandeep Kumar who raised his right hand to ward off the blow hitting him on

the right thumb. Abhay Partap gave a Gandasi blow on Sandeep Kumar and Paramjit Singh gave a blow on the right side of head of Rinku by means of Kirpan. Bakhshish Singh again fired from his gun hitting right arm of Raman Kumar complainant whereas Jasbir Singh gave 2-3 kulhari blows on the head of Mohinder Singh hitting on right side of his head, right eye and temple which was followed by a blow of gandasi by Vishav Partap alias Tillu by hitting Mohinder Singh on the head and thereafter accused Srivastava gave a kirpan blow hitting on the head of Rajpal. It is thereafter, Tarun Partap gave a fire from his gun hitting Rinku on the lower right arm. It is during the course of events, Mohinder Singh is reported to have died. The initial version was countered by cross-version by complainant Munish Kumar, present petitioner. Thus, in this occurrence petitioner Munish Kumar, Gulab Singh and Vishav Partap Singh received 5 injuries each, Jasveer Singh and Charan Singh 4 injuries each, Tarun Kumar 1 injury and petitioner Udey Partap Singh 3 injuries, whereas accused Inderjit Singh @ Tinku has been found innocent.

Heard Mr. A.P.S. Deol, Senior Advocate assisted by Mr. Harjinder Singh Mavi, Advocate and Mr. Vinod Kumar Kataria, Advocate representing the petitioners; Mr. Jagmohan Ghumman,

Deputy Advocate General, Punjab on behalf of the State and perused the records.

The contentions of petitioners' side that the petitioners are victims and have received injuries at the hands of the other side when even in the charges so framed, the other side is alleged to have trespassed on the land of the petitioners and that the petitioners are in custody since 24.05.2016 and the trial is yet to start which is likely to take long time and thus, a fresh ground has arisen for grant of bail to the petitioners.

Learned State counsel has stoutly opposed the bails on the ground that from the two sides, a mob has gathered armed with fire-arms and other deadly weapons and they took law in their own hands which resulted in death of one person and injuries to many and that it has been observed even by the Court below that petitioners Munish Kumar and Udey Partap Singh were armed with fire-arms which they have destroyed and for which offence under Section 201 IPC has been added and thus, argued that no cause for grant of bail is made out as there is every apprehension of more serious law-and-order situation.

Appreciating the submissions of the two sides, admittedly the two warring groups have come armed with fire-arms and other deadly weapons in large number and in this clash one person has died

and a number of persons have received injuries. The mere contention so sought to be raised by the petitioners side that it is a case of version and cross-version, is subject to trial for the trial Court to conclude as to which of the parties was the aggressor. This Court vide detailed order dated 09.11.2017 has declined prayer of the petitioners for consideration of their bail holding that release of the petitioners on bail would endanger public peace and tranquility and may lead to more bloodshed and the witnesses being intimidated to obviate the trial.

In view of heinousness of the offence and seriousness of allegations does not calls for any relief to the petitioners and thus, both the present petitions stand dismissed.

(FATEH DEEP SINGH)
JUDGE

May 14, 2018

rps

Whether speaking/reasoned Yes/No

Whether reportable Yes/No