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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2018 15:48
I attest to the accuracy and
authenticity of this document

CRM-M-23223-2018 (O/M)
Date of decision : 28.11.2018

Gursharan Singh alias Babbu Petitioner (s)

Versus
State of Punjab Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rohit Kapoor, Advocate,
for petitioner.

Mr. Karanbir Singh, AAG Punjab.

Mr. Ashish Aggarwal, Advocate,
for complainant.

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KULDIP SINGH, J. (ORAL)

Heard. As per version in FIR, there was a dispute between Gurpal Singh and Gurdial Singh (neighbours) on account of affixing of burji towards street by Gurdial Singh. On 9.1.2018, at about 11:00 AM, Gurpal Singh gathered a panchayat of village, which tried to prevail upon Gurdial Singh, but they fail to make him understand. It is alleged that panchayat members gathered in Haveli of complainant. In the meanwhile, Gurdial Singh started hurling brick bats. He had arranged some people from outside, who were armed with firearms. Gurdial Singh fired a straight shot from his .32 bore pistol on complainant, on which he bend down and fire shot crossed over his head. Gurdial Singh again fired a shot from his pistol, which hit Sukhdev Singh, who fell on the spot. Then, Harmanpreet Kaur got hold of pistol of his father and fired a shot, which hit on left side thigh of Jorawar Singh. Jaskaran Singh fired a straight shot from his pistol, which hit Jorawar Singh on upper portion of his knee. Bhola Singh fired a shot from his 315 bore gun, which passed over head of Jorawar Singh. Bhola Singh kept on firing in air with his 315 bore gun. Babbu Singh

fired two straight shots from the pistol held by him towards Jorawar Singh. Dabhan Pardhan, Sibbu and other 3/4 unknown persons, who were armed with dattars and kirpans and were at roof top, kept on hurling brick bats to their house. In this case, Sukhdev Singh died and Jorawar Singh is injured.

The learned counsel for petitioner has argued that in this case, after investigation, Harmanpreet Kaur was found innocent. It is contended that no injury has been attributed to petitioner and that petitioner was not at the place of occurrence and has been falsely implicated.

On the other hand, learned State counsel has produced copy of Forensic Science Laboratory report, where the cartridges recovered from spot were sent for analysis. It is alleged that pistol used in crime is still to be recovered and same is to be matched with bullets recovered from spot.

The State has affirmed that as per their investigation, Gursharan Singh alias Babbu (petitioner) was found involved in crime and he is wanted in this case.

I am of the view that in this case, one murder took place and one of them was injured on a petty dispute of affixing of burji on gate towards street. Both parties are neighbours. The empties and gun shots were recovered. Therefore, police is to be given free hand to investigate and find out truth. Present case was registered on 9.1.2018. The petitioner has moved this Court after more than 10 months on the ground that a separate inquiry was going on. I am of the view that it is not a fit case for grant of anticipatory bail. Petition is therefore dismissed.

(KULDIP SINGH)
JUDGE

28.11.2018
sjks

Whether speaking order	:	Yes	/	No
Whether reportable	:	Yes	/	No