

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No.25047 of 2018
Date of Decision:- 13.8.2018

(I) Jaswant Singh and others *... Petitioners*

Versus

State of Punjab *... Respondent*

CRM-M No.25192 of 2018

(II) Jatinder Pal Singh and others *... Petitioners*

Versus

State of Punjab *... Respondent*

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karanjeet Singh Brar, Advocate, for the petitioners.

Mr. A.S.Sandhu, Additional Advocate General, Punjab.

Mr. Pardeep Bajaj, Advocate for the complainant.

GURVINDER SINGH GILL J.

1. This order shall dispose of the above mentioned two petitions filed on behalf of Jaswant Singh, Gurpreet Singh, Baljit Singh, Jatinder Pal Singh, Sukhpreet Singh, Lakhwinder Singh and Harjinder Singh seeking grant of anticipatory bail.
2. The present case was lodged at the instance of Tejbikram Singh wherein it has been alleged that on 25.4.2018 when he was coming back in his car from Faridkot after dropping his son, then he was waylaid by the accused at about 10:15 P.M. It is alleged that Sukhdev Singh armed with rifle, Balkar

Singh armed with rifle, Ajit Singh armed with kirpan, Kulwinder armed with rifle, Jatinder Pal Singh armed with revolver, Sukhpreet Singh armed with kirpan were standing on both sides of the road and came forward to stop the vehicle of the complainant. However, the complainant, being scared, sped away from the spot but when he reached at Valtoha Chowk then Jaswant Singh armed with dang, Baljit Singh armed with dang, Gurpreet Singh armed with dang, Lakhwinder Singh armed with dang and Harjinder Singh armed with dang along with Randhir Singh came in front of the car and stopped the car. When the complainant alighted from his car, then Sukhdev Singh, Balkar Singh, Kulwinder Singh, Jatinder Pal Singh, Ajit Singh and Sukhpreet Singh came there while raising lalkaras exhorting their companions that the complainant be not spared and be taught a lesson for being a leader. When the complainant raised alarm, Arshdeep Singh, Sahib Singh, Ranbir Singh, Jasvir Singh, Nasib Singh and Devinder Singh, all residents of the village were attracted to the spot and they raised alarm. It is alleged that Sukhdev Singh fired a shot from his rifle towards them hitting Ranbir Singh on his left jaw and left ear. Balkar Singh also fired from his rifle hitting Jasvir Singh on his right eye, chest, abdomen, right arm and left side of his cheek. Kulwinder Singh also fired a shot with his rifle hitting Arshdeep on his chest and left arm. Kulwinder Singh fired another shot hitting Sahib Singh on his abdomen. Balkar Singh is alleged to have fired another shot hitting the complainant on his left foot and on left leg of Sahib Singh. Sukhdev Singh also fired with his rifle hitting complainant on his abdomen. Ranbir Singh fell on the road. When the complainant and others raised alarm, several other persons from the village gathered there and thereafter, the accused ran away from the spot along with their weapons.

3. Notice of motion was issued to State. The learned Additional Advocate General has put in appearance and is opposing the petitions.
4. The learned counsel for the petitioners has submitted that a false FIR has been lodged and a large number of persons have been arrayed as accused. It has been submitted that out of the seven applicants, petitioner Gurpreet Singh, Lakhwinder Singh and Harjinder Singh are stated to be armed with sticks only and no specific role is attributed to them. In fact, the FIR does not even disclose as to whether any injury had been inflicted by them.
5. On the other hand, the learned State counsel at the very outset has submitted that out of the seven petitioners, one of the petitioner namely Jaswant Singh had already expired and that two others namely Gurpreet Singh and Jatinder Pal Singh had been declared innocent. The learned State counsel further, while referring to the MLRs, has submitted that the allegations as levelled in the MLRs stand duly substantiated and that no special case is made out for grant of anticipatory bail.
6. I have considered the rival submissions addressed before this Court.
7. While the learned counsel for the petitioners has annexed MLRs in respect of three of the injured namely Arshdeep Singh, Sahib Singh and Tejbikram Singh, the learned State counsel has shown medico-legal case summary of injured Jasvir Singh and Ranbir Singh recorded in PGI, Chandigarh. A perusal of the aforesaid medical record reveals that as many as 5 persons have sustained fire arm injuries, apart from other injuries. Some of the injuries are also on vital parts. The injury on the person of Jasvir Singh has been declared as 'dangerous to life'.

8. Having regard to the facts and circumstances of the case and the fact that the allegations, as levelled in the FIR are *prima facie* found to be substantiated from the medical evidence, it is apparent that all the accused had joined hands with a common object and had made a murderous attack on the complainant party resulting in a large number of injuries. As such, no special case for grant of anticipatory bail to the applicants Sukhpreet Singh, Lakhwinder Singh, Harjinder Singh and Baljit Singh is made out and the applications qua their behalf are dismissed.
9. The application on behalf of Jaswant Singh is rendered redundant as he stated to have died. As regards, the applicants Gurpreet Singh and Jatinder Pal Singh, the learned State Counsel has today, upon instructions from the Investigating Officer, informed that they have been found innocent during the course of investigation. In view of the said statement, it cannot be said that the petitioners would have any apprehension, as of now, regarding their arrest. The application on their behalf, as such, is dismissed. However, in case during the course of investigation, the police finds any evidence to connect the aforesaid Gurpreet Singh and Jatinder Pal Singh with the offences in question and seeks to arrest them then one week's prior notice shall be furnished to the aforesaid two before effecting their arrest.
10. Both petitions stand dismissed as indicated above.

13.8.2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No