

Sr. No.101

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

CRM No. M-387 of 2018 (O&M)

Date of Decision: 30.01.2018

Sukhwinder Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Amit Arora, Advocate,
for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

CRM No.3255 of 2018

Application is allowed, as prayed for.

Copy of MLR of Balwinder Singh is taken on record at
Annexure P-6.

Main Case

Petitioners seek concession of pre arrest bail in case
FIR No.71 dated 22.10.2017, under Sections 307/34 IPC and
Sections 25/27/54/59 of Arms Act, registered at Police Station
Khemkaran, District Tarn Taran.

Counsel would submit that even as per version of the
complainant, the alleged occurrence is stated to be of 20.10.2017
and in which the complainant Balwinder Singh is stated to have
been suffered firearm injuries. It is contended that the specific
attribution of use of firearm is to Ranjit Singh (non-applicant).

Insofar as the present petitioners are concerned, they are only stated to have been present at the spot and there is no injury/role assigned to them. Further contended that it is a case of version and cross-version as petitioner No.1 Sukhwinder Singh also suffered injuries in the same very occurrence.

Having heard counsel for the petitioners at length and having perused the pleadings on record, this Court is not inclined to extend in favour of the petitioners the concession of anticipatory bail.

Petitioner No.1 Sukhwinder Singh is the father of petitioner Nos.2 and 3 i.e. Gurjit Singh and Gurbir Singh respectively. Ranjit Singh who is alleged to have used a firearm is none other than the real son of petitioner No.1. The motive behind the occurrence is apparent from the reading of the FIR. It appears that there is a dispute between the accused and the complainant party with regard to possession/ownership of certain parcel of land. Occurrence has taken place on account of an exhortation made by petitioner No.1 as regards the complainant party harvesting the paddy crop sown on such disputed parcel of land. Further more it is not a stray incident of shooting. At the exhortation of Sukhwinder Singh his son Ranjit Singh (non-applicant) has fired not once but twice over and complainant Sukhwinder Singh has received two firearm injuries in his abdominal area. The ocular version is corroborated by the MLR placed on record of complainant/injured Balwinder Singh. Further more the present petitioners were also stated to have armed with

kirpan, datar and gandasi.

Prima facie it is towards furtherance of a common intention that the occurrence has taken place resulting in injuries suffered by complainant Balwinder Singh and thereby attracting offence under Section 307 IPC.

The stand taken by the counsel as regards it being a case of version and cross-version does not inspire much confidence. The occurrence is stated to be of 20.10.2017. Petitioner No.1 herein, namely, Sukhwinder Singh chose to have his statement recorded only on 25.10.2017 leading to the registration of the DDR. At this stage counsel would raise a submission that even Balwinder Singh complainant had availed of medical treatment on 20.10.2017 i.e. after a gap of almost 24 hours from the alleged occurrence. Such situation also stands explained from the reading of the FIR itself wherein complainant had categorically asserted that he was initially got admitted to CHC Khem Karan and wherefrom the Doctor had referred him to Civil Hospital, Patti. The MLR of Balwinder Singh reflecting the date as 21.10.2017 relates to his admission at Civil Hospital, Patti not to CHC Khem Karan.

Against the backdrop of gravity of the offence and the serious charges, this Court is not inclined to extend in favour of the petitioners the concession of pre-arrest bail.

Petition dismissed.

It is clarified that the observations contained in this order are only for purpose of examining the prayer of the

petitioners for grant of anticipatory bail and would have no bearing on the merits of the case.

Disposed of.

30.01.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No