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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49392-2018 (O/M)
Date of decision : 19.12.2018

Iqbal Singh Petitioner (s)

Versus

State of Punjab Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. A.P.S. Deol, Senior Advocate, with,
Mr. H.S. Deol, Advocate,
for petitioner.

Mr. Karanbir Singh, AAG Punjab,
assisted by ASI Jagir Singh.

Mr. P.P.S. Thethi, Advocate,
for complainant.

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KULDIP SINGH, J. (ORAL)

Heard.

Police has filed detailed status report by way of affidavit of Davinder Singh, PPS, Deputy Superintendent of Police (Rural), Bathinda, in terms of last order, passed by this Court on 10.12.2018, and same is taken on record.

This order will dispose of application filed by petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 66, dated 3.8.2018, registered under Section 307 IPC and under Section 25 of Arms Act, 1959, at Police Station Kotfatta, District Bathinda.

Allegations levelled in complaint by Amandeep Singh (complainant) are that on 2.8.2018, he alongwith his uncle Karnail Singh was going in his jeep, bearing registration No. HR-29-A-0752 from Bahmanawala fields, to their home at village Kotfatta. Jeep was driven by

complainant. Around 7:15 pm, when they reached the drain near pond in their village, a Brezza car, bearing registration No. PB-03AL-0088 came in front side, being driven by Iqbal Singh (petitioner). Iqbal Singh was accompanied by his son Sandeep Singh and Gurwinder Singh s/o Harjit Singh. Iqbal Singh banged his car into jeep of complainant and also fired from inside his car towards him with an intention to kill complainant. Thereafter, Iqbal Singh came out of car from driver seat with his pistol in his hand. He was being exhorted by his son Sandeep Singh. On this, he fired a shot from his pistol, but complainant saved himself by ducking down. He fired another shot. However, second shot hit right hand of complainant. Thereafter, complainant and his companion raised hue and cry, on which Iqbal Singh fired another shot which did not hit complainant. Thereafter, Gurwinder Singh came out of Breeza car and raised exhortation to catch hold of complainant. Occurrence attracted Kulwinder Singh son of Gursewak Singh and Kulwinder Singh son of Karnail Singh and they reached spot.

Notice was issued to State. State and complainant through his counsel have put in appearance.

It comes out that accused Iqbal Singh had also filed cross version. The State was directed to verify version and cross version and also as to whether car of Iqbal Singh hit jeep of Amandeep Singh or whether jeep of Amandeep Singh hit Breeza car.

The State has filed verification status report, from which, it comes out that there is gun shot injury on right wrist of Amandeep Singh which has blackening, showing that shot was fired from close range, though, police contends that it is to be examined by Ballistic Expert. As per Modi's Medical Jurisprudence, in case of a pistol shot fired from the

distance of about 2 feet or less, there is blackening, indicating that shot was fired from close range. Petitioner denied to have fired shot from his pistol on wrist of complainant.

Police in the verification report has stated that both vehicles were checked. One empty cartridge of .32 bore was recovered from the mat under driver seat from Brezza car and one bullet was recovered from jeep under conductor seat. Police after verification of tower location of mobile phones and CCTV footage came to conclusion that Amandeep Singh (complainant) alongwith Karnail Singh were coming back from agriculture fields to their house in jeep. Infact Iqbal Singh (petitioner) was coming with his grandson Parmeshwar Singh, aged about 4 years, in his car for taking cash from petrol pump. A quarrel took place near pond. Police is unable to decide as to which vehicle hit the other vehicle. Photographs on police file shows that driver side of Breeza car was hit by jeep. Version of Iqbal Singh is that he saw Amandeep Singh (complainant) coming from front side. He stopped his jeep in front of his car, in which Kala Singh and Gurpreet Singh were also present. After stopping his jeep, he started abusing him. Admittedly, in this case, Iqbal Singh was accompanied by his grandson Parmeshwar Singh, aged about 4 years, which itself gives another indication as to whether the crime was preplanned or not ? His son Sandeep Singh and Gurwinder Singh s/o Harjit Singh have been found innocent by the police.

This fact need not to be commented upon at this stage. However, hitting driver/right side of Brezza car itself gives indication that jeep had infact hit Breeza car. Police has also found a hole in windscreen of Breeza car and an empty cartridge was recovered under driver seat of Breeza car, indicating that Iqbal Singh had fired a shot while

sitting inside Breeza car which passed through windscreen.

As per police verification, four shots were fired, two shots went in air, one shot hit pillar of jeep and other shot hit wrist of complainant. As per police verification, no blood stain was found in jeep and at spot.

On a specific query, this Court has been informed that even blood stained clothes were not produced either by complainant or by doctor. In this way, there is nothing on file to show that blood spilled out of said injury at the spot.

Police is yet to verify whether injury on wrist of the complainant was inflicted with .32 bore pistol of petitioner or with some other weapon and whether it was inflicted at the spot as no blood was found in jeep or at the spot.

It is a case of version and cross version. Prima facie, it appears that occurrence took place all of sudden.

The learned counsel for respondent complainant has contended that petitioner was declared proclaimed offender. However, it comes out that said proclaimed offender order was passed after his anticipatory bail was dismissed by trial Court and before he has filed anticipatory bail before this Court. Therefore, said fact is immaterial.

Considering the circumstances, in which occurrence took place, it is not deemed proper to comment upon whether petitioner Iqbal Singh fired in his self defence or was aggressor or it was vice versa.

Considering the facts and circumstances of case and also the fact that part of version of complainant has been found either to be false or not corroborated by crime scene and fact that pistol has already been recovered from petitioner and he has already joined investigation and has

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been thoroughly interrogated, there is no ground for custodial interrogation of petitioner. It being so, interim anticipatory bail, granted by this Court, vide order dated 16.11.2018, is made absolute. Petition is allowed.

(KULDIP SINGH)
JUDGE

19.12.2018
sjks

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