

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

**CRM No.M-31747 of 2020 (O&M)
Date of Decision: November 06, 2020**

Dilbagh Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.J.S.Mehndiratta, Advocate,
for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of the pandemic COVID-19 situation

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail in case FIR No.76 dated 15.04.2020 under Sections
323, 307, 506, 188, 34 IPC and Section 25 of the Arms Act (report under
Section 173 Cr.P.C. has been presented under Sections 323, 307, 506, 188,
34 IPC and Sections 25 and 27 of the Arms Act), registered at Police Station
Shahzadpur, District Ambala.

Heard on the petition.

The aforesaid FIR has been got registered at the instance of
Nikku Ram, on the allegations that on 15.04.2020, in the morning, when

grandson of the complainant Matru, aged 5-6 years, had gone to the vacant land adjoining the house of the petitioner for answering the call of nature, then Dilbagh Singh and his son Amarjit Singh stated hurling abuses and they entered into altercation, upon which, Dilbagh Singh got infuriated and brought his double barrel gun from inside his house and his son Amarjit Singh was carrying iron rod like object in his hand. Then, Dilbagh Singh fired a shot upon Kala, son of the complainant, which hit on his face. Even, Amarjit Singh had caused injuries to son of the complainant, namely Kala with Balam (iron rod).

Now, it is submitted by learned counsel for the petitioner that petitioner is an Ex-Army personnel aged 78 years. He had only fired a shot with his licenced double barrel gun, in self defence as Nikku Ram, complainant and his sons namely Kale and Kamal, while armed with iron rod and sticks had come to the house of the petitioner and attacked his sons Bhupinder Singh and Amarjit Singh. Bhupinder Singh had suffered grievous injuries and to save his sons, the petitioner had fired a shot in the air. Also, it is submitted that Bhupinder Singh, son of the petitioner, had sustained injury, which was dangerous to life. Firstly, he was taken to Government Hospital, Naraingarh, from where, he was referred to Government Medical College, Sector-32, Chandigarh and then, on account of his critical condition, he was taken to Paras Hospital. The bone of his skull has been removed and a plate has been inserted in his skull. The son of the petitioner remained admitted in the hospital till 20.04.2020. Learned counsel for the petitioner further contended that the injuries were inflicted to the complainant side, solely in exercise of right to private defence. Even,

15.04.2020 under Sections 188, 307, 323, 325, 34 and 506 IPC, got registered by Kamaljeet Singh, son of the petitioner. It is submitted that challns of both the cases i.e. version and cross-version are at the stage of commitment.

On the other hand, learned State counsel has resisted the claim of the petitioner for grant of bail. She submits that injury was caused by the petitioner on the face of son of the complainant, which has been declared to be grievous in nature. In these circumstances, considering the nature of injury and seat of the injury, it is submitted that no case is made out for grant of bail to the petitioner.

Perusal of the record reveals that at first instance, FIR No.76 dated 15.04.2020 under Sections 323, 307, 506, 188, 34 IPC and Section 25 of the Arms Act was got registered at the instance of Nikku Ram, on account of fire shot given by the petitioner, which resulted to injury on the person of his son Kale. Further, it is evident that FIR No.79 dated 15.04.2020 under Sections 188, 307, 323, 325, 34 and 506 IPC has been got registered at the instance of Kamaljeet Singh, son of the present petitioner. It is the specific plea of the petitioner that at first instance, Nikku Ram, Kale and Kamal had come and attacked his sons Bhupinder Singh and Amarjit Singh, as a result whereof, Bhupinder Singh had suffered grievous injury. It was only in order to protect his sons, that the petitioner had fired in the air with this licenced double barrel gun and pellets from the said shot, hit Kale, son of Nikku Ram, who sustained injuries on his chin and jaws. Even, son of the petitioner was extended treatment at Government Hospital, Naraingarh, then at Government Medical College, Sector-32 Chandigarh and then, he was shifted to Paras Hospital. The photograph of the seat of

the injury on son of the petitioner has also been placed on record as Annexure 8-A, which speaks volumes about the kind of injury sustained by him. He had also remained admitted in the hospital and had undergone surgery. The injury on the person of Kala, son of the complainant, is also stated to be grievous in nature. He has since been discharged from the hospital. Challan in both the cases has already been presented.

Perusal of the custody certificate of the petitioner also reveals that petitioner is in custody for the last 6 months and 18 days.

Looking at the aforesaid fact situation and also considering the fact that challan in both version and cross-version are at the stage of commitment, the consequential trial is likely to take time. Considering the same, without making reference to the merits of the version and cross-version, I deem it appropriate to grant regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned Illaqa Magistrate/Duty Magistrate concerned.

(ARCHANA PURI)
JUDGE

November 06, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No