

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

CRM-M-7804-2021(O&M)
Date of decision:-10.3.2021

Simerjit Singh Sekhon and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.R.S. Cheema, Senior Advocate with
Mr.A.S. Cheema, Advocate
for the petitioners.

Mr.J.S. Ghuman, DAG, Punjab.

Mr.Aman Pal, Advocate
for the complainant.

H.S. MADAAN, J. (Oral)

This petition for regular bail has been filed by petitioners Simerjit Singh Sekhon, aged 70 years and his son Gurjap Singh Sekhon, aged 41 years, residents of Narain Nagar, Narain Villa, Ferozepur Road, Faridkot, both of them being accused in FIR No.386 dated 19.10.2020, under Sections 307, 506, 34 IPC and 27 of Arms Act, registered with Police Station City, Faidkot.

Briefly stated, the facts of the case as per the prosecution story are that criminal machinery in this case was set into motion by

complainant Maheepinder Singh Sekhon son of Kulinder Singh, aged about 32 years, resident of Narain Villa, Narain Nagar, Ferozepur Road, Faridkot, who in the statement got recorded by him with the police stated that his father Kulinder Singh and father's elder brother - Simerjit Singh Sekhon (petitioner No.1) are having a dispute with regard to partition of the family properties; his father tried to sort out the matter but on account of adamant attitude of Simerjit Singh Sekhon (petitioner No.1), the efforts proved to be futile; Simerjit Singh Sekhon (petitioner No.1) used to threaten his brother Kulinder Singh Sekhon and his family to vacate the house stating that he would not get anything from there; there has been a dispute between the two brothers with regard to common land also inasmuch as Simerjit Singh Sekhon (petitioner No.1) and his son Gurjap Singh Sekhon (petitioner No.2) were not ready to allow Kulinder Singh Sekhon to use that property and would hold out threats of elimination to Kulinder Singh Sekhon and his family members; on 18.10.2020 at about 9:20 p.m. when complainant Maheepinder Singh Sekhon, his brother Amaninder Singh Sekhon and father Kulinder Singh Sekhon were preparing their cases in the office room, at that time Gurjap Singh Sekhon (petitioner No.2) carrying a baseball bat and his father Simerjit Singh Sekhon (petitioner No.1) having a pistol came there; Gurjap Singh (petitioner No.2) opened pane of the office room by forcibly pushing the same thereby breaking the latch; he raised a lalkara (exhortation) that complainant side would not be spared on that date; Simerjit Singh Sekhon fired a shot from his pistol aiming it at the complainant with the intention to kill him, however, the bullet missed the target and it grazed temple of complainant near left eye; the complainant fell down, then

Simerjit Singh Sekhon fired second shot towards Kulinder Singh, who had a miraculous escape; thereafter Gurjap Singh Sekhon (petitioner No.2) took pistol from his father Simerjit Singh Sekhon (petitioner No.1) and fired a shot towards Amaninder Singh Sekhon with an intention to kill him but Amaninder Singh escaped unhurt; thereafter the complainant, his father Kulinder Singh Sekhon and brother Amaninder Singh Sekhon hid themselves to save their lives; in the meanwhile Gurjap Singh Sekhon (petitioner No.2) went away and fetched his .12 bore gun and fired twice therefrom; thereafter both the accused/assailants went to their residence on the upper portion of the house; the complainant was hospitalized by his brother and father.

On the basis of such statement, formal FIR in the matter was recorded and investigation in the case started. Accused were arrested in this case on 19.10.2020. On completion of investigation and other formalities, challan against the accused was prepared and filed in the Court.

The petitioners/accused had approached the Court of Sessions at Faridkot seeking regular bail by moving application but were unsuccessful inasmuch as their application was dismissed by learned Additional Sessions Judge, Faridkot on 9.2.2021. As such, the petitioners/accused have approached this Court by way of filing the present petition craving for the similar relief.

Notice of the petition was given to State of Punjab, which has appeared through counsel. The complainant has also put in appearance through counsel.

I have heard learned counsel for the parties besides going

through the records.

Learned Senior counsel for the petitioners has argued that injury No.1 suffered by the complainant has been opined to be simple in nature by the doctor. According to him, the parties are closely related and belonged to well reputed family of the area; Sh.Inderjeet Singh Sekhon, father of petitioner/accused Simerjit Singh Sekhon and father of complainant namely Kulinder Singh Sekhon is a highly respected figure, who dominated the bar with his towering presence for several years; he has since retired from profession; the petitioners do not have any past criminal record; they are the national level shooters, who had represented India in number of competitions and further petitioner No.1 Simerjit Singh Sekhon, who is aged about 70 years had won gold medal on two occasions in national championship. He further contended that version of the complainant that he had suffered firearm injury at the hands of petitioner No.1 Simerjit Singh Sekhon is not corroborated by medical evidence. As per the x-ray report on the skull and face of the complainant, no fracture was seen and as per CFSL report dated 31.12.2020, no fire discharging residues were detected on the four cotton swabs taken from the wounds of complainant and a case of simple hurt had been converted into attempt of murder by introducing version that complainant had suffered firearm injury. Therefore, no offence under Section 307 IPC is made out.

Learned Senior counsel for the petitioners has further contended that after registration of the case respectable persons besides common relatives and friends have intervened and got the matter compromised vide compromise deed dated 4.2.2021. Though the challan

has been filed in the Court but the trial is at preliminary stage and its conclusion is likely to take considerable time. Therefore, concession of regular bail be granted to the petitioners/accused.

Learned State counsel has reiterated the prosecution version while opposing the grant of regular bail to the petitioners. However, learned counsel representing the complainant has admitted the factum of compromise having been arrived at between the parties stating that the complainant does not oppose the present petition.

After hearing learned senior counsel for the petitioners, learned State counsel and counsel for the complainant besides going through the record, I find that the guilt of the accused would be established during the course of the trial and only then it can be said conclusively as to whether petitioners/accused have committed any offence, if so which one. The conclusion of trial is likely to take some time. Fortunately the injury suffered by the complainant is of simple nature. The parties are said to have settled their dispute, which was allegedly the bone of contention between them, in an amicable manner. Therefore, I find it proper and appropriate to grant concession of regular bail to the petitioners/accused.

Accordingly, the petition stands allowed. The petitioners/accused are ordered to be released on bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Faridkot on following conditions:

- (i) they shall appear in the Court on each and every date of hearing;

- (ii)they shall not give any threat or intimidation to the prosecution witnesses;
- (iii)they shall not indulge in any criminal activity;
- (iv)they shall join the investigation as and when directed by the Investigating Officer; and
- (v)they shall not leave India without prior permission of the Court;

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial.

In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

10.3.2021
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No