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

**CRM-M No.17121 of 2021O&M)
Date of Decision: 28.04.2021**

Mandeep Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Bipan Ghai, Sr. Advocate, with
Mr.Paras Talwar, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Ankush Singla, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.157 dated 09.11.2020 registered under Sections 302, 307, 325, 324, 323, 34 IPC and Sections 27, 54, 59 of the Arms Act at Police Station Dhanaula, District Barnala.

The FIR was registered at the instance of Gurkirtan

Singh with the allegations that about 14 years ago, there was an exchange of land with Labh Singh and Bharbhur Singh of village Kaleka. According to this exchange, the complainant along with his parental uncle Jasmel Singh had to be shifted to Niyai Wala Fields and the land situated in Sue Wala was given to Labh Singh and Bharbhur Singh. Labh Singh had some excess land of 1 kanal 9 marlas in Niyai Wala Field and a sale deed was executed in respect of said area in the name of Jasmel Singh. Both the parties took possession of the respective land as per exchange and sale deed. Thereafter, Labh Singh and Bharbhur Singh demanded land from Niyai Wala Fields and on 08.11.2020, Labh Singh and his son Kulwinder Singh @ Kinder, Bharbhur Singh and his sons Pardeep Singh and Mandeep Singh came to the field with an intention to fight with the complainant and started making edges forcibly. Complainant avoided the situation and went home and made a complaint to the police, apprehending some mischief by the accused party. On 09.11.2020 at about 8 AM, when the complainant along with his brother Kulwinder Singh had gone to Niyai Wala Field to have a round in order to ascertain whether the accused party had committed any mischief or not, then Bharbhur Singh @ Bhura armed with Dang, Labh Singh armed with Dang, Pardeep Singh armed with 12 bore double-barrel gun, Mandeep Singh (petitioner) armed with Kassia and Kulwinder Singh @ Kinder

armed with gandasa came there while raising lalkara. Bharbhur Singh @ Bhura raised lalkara. Thereafter, Pardeep Singh fired from his 12 bore double barrel gun towards the complainant and the complainant saved himself by ducking/sitting down. Pardeep Singh fired another shot towards Kulwinder Singh which hit on his right flank. Kulwinder Singh fell down due to gun shot injuries. Complainant raised alarm. At that time, Jasmel Singh came to the spot by raising alarm. In the meantime, Pardeep Singh again fired third shot from his double barrel gun towards Jasmel Singh hitting him on his face on the right eye. Jasmel Singh fell down and then Labh Singh raised lalkara that Gurkirtan Singh/complainant be not left. Thereafter, Kulwinder Singh @ Kinder gave a gandasi blow on the head of the complainant, which was warded off by the complainant and blow ultimately landed near the elbow of his right arm. Petitioner/Mandeep Singh gave a kassia blow towards the head of the complainant with an intention to kill him, but the complainant raised his hand and Kassia ultimately hit on the thumb of his right hand.

Learned counsel for the petitioner submits that no overt-act has been attributed to the petitioner except an injury with kassia on the left thumb of right hand of the complainant. Petitioner has not inflicted any injury to the deceased. As per

MLR of the complainant, three injuries were found on his person. Injury No.2 is on the right thumb. Injury No.3 is found to be fracture of distal phalanx of R thumb, which at the most falls under grievous hurt. Petitioner is in custody since 10.11.2020. The allegation in respect of the petitioner being member of unlawful assembly would be gone into by the trial Court on the basis of evidence to be led by the parties during trial.

Learned State counsel duly assisted by learned counsel for the complainant, however, opposed the bail on the ground that the petitioner was member of unlawful assembly and actively participated in the offence, resulting in death of Kulwinder Singh. Gun shot injuries are attributed to Pardeep Singh who is in custody.

Petitioner is author of grievous injury on the person of the complainant and allegation with regard to his being member of unlawful assembly would be gone into by the trial Court at the relevant stage.

Keeping in view of the aforesaid facts and in view of situation arising out of COVID-19 pandemic and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

28.04.2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No