

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

CRM-M-21210 of 2020(O&M)
Date of Decision: 20.12.2021

Sukhraj Singh @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Gursimran Singh, Advocate for the petitioner.

Mrs. Mamta Singla Talwar, DAG, Haryana.

Mr. Maninder Sidhu, Advocate for
the complainant.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.40 dated 17.02.2020 under Sections 148, 149, 323, 324, 307, 34 IPC and Section 25 of the Arms Act registered at P.S Kalanwali, District Sirsa.

As per allegations in the FIR, on 17.02.2020, on receiving a ruqa and MLRs from P.S Odhan regarding referral of injured Lakhvir Singh, Lakhwinder Singh and Devender @ Gaggu, ASI Tara Chand reached GH, Sirsa and sought opinion of doctor regarding fitness of injured. He then recorded the statement of complainant/injured Lakhvir Singh who alleged that on 16.02.2020, he had come to his village from Kalanwali on his motor-cycle. When the complainant reached in front of house of Ramandeep, Lakhwinder Singh was lying unconscious in the street and mother of Devender was seen lifting him. The complainant

also started lifting Lakhwinder Singh but in the meanwhile, Sukhraj Singh @ Kala (*petitioner*), who was accompanied by his son Karanvir and Ex-Sarpanch Beant Singh, raised alarm to catch hold of the complainant. All three of them were armed with weapons. Sukhraj Singh fired gun shot at complainant but he escaped. Thereafter, Karanvir and Beant also fired gun shots at the complainant. The complainant ran away from the spot. While running, the fire shot of Karanvir hit on the arm of the complainant due to which he fell down. Complainant came to know that assailants also caused fire-arm injuries to Devender and Lakhwinder Singh. On his statement, present case was registered. During investigation, petitioner Sukhraj Singh was arrested. Licensed pistol of the petitioner was recovered.

Learned counsel for the petitioner submits that the petitioner has falsely been roped in. It is a case of version and cross-version and that FIR No.41 dated 17.02.2020 has been registered against the complainant party. Two persons namely Karanvir and Beant Singh named in the FIR along with the petitioner, were found innocent by the police after investigation. The only gun shot injury allegedly caused to the complainant was attributed to Karanvir. It is argued that in fact, the complainant side was the aggressor and that the petitioner has sustained a gunshot injury at their hands. Number of FIRs have been registered against Davinder Singh @ Gaggu, member of the Complainant party.

The three persons from the complainant side suffered following injuries:

Lakhwinder Singh:

“1. Multiple incised wound on skull k/u/o sharp within 6 hours-

(i) 3cm x 2 cm

(ii) 2 cm x 1 cm

(iii) 3 cm x 1.5 cm

Ad – Xray Skull Surgical Opinion

2. LW on frontal part skull Ad-Xray Skull k/u/o Blunt within 6 hours”

Lakhveer :

“1. Multiple LW around in shape k/u/o Blunt within 6 hours – Diameter (1cm) invented in – Place on left side shoulder (below) – On arm within radios (8cm x 2 cm) – Fresh Bleedy - Ad – Xray of left side Forearm, arm, shoulder – Surgeon Opinion

2. LW on left side of chest k/u/o Blunt within 6 hours – Ad Xray Surgical opinion”

Davinder Singh:

“1. Incised wound on skull (6cmx3cm) k/u/o sharp within six hours – Ad Xray of Skull

2. Multiple LW round in shape diameter 1 cm k/u/o Blunt within six hours – Inverted margin plant on left shoulder region – Within radius of 8cm x 3 cm within corresponding – Mark on clothes – Fresh Bleedy – Multiple – Ad Xray Left side of shoulder Surgeon Opinion

3. LW on Chest (multiple) – Bleedy fresh (left side cut) (Oval in shape in dameter 1 cm radius (4cm x 1 cm) – Ad Xray of Chest Surgeon Opinion.”

In the incident, the petitioner **Sukhraj Singh** also suffered following injuries:

“1. LW on PT side of hand about (forearm) k/u/o Blunt

within six hours – Blacking, Bleedy, Sully – Ad Xray RT side of Forearm and Surgeon Opinion

2. *Mutiple incised wound present on skull k/u/o Sharp within six hours – Ad Xray skull surgeon opinion.”*

I have heard Ld. Counsel for the parties and perused the paper-book.

In the incident, both the sides have suffered injuries. The petitioner is behind bars since 18.02.2020 i.e. for the last more than one year and ten months. As per reply filed by Superintendent, District Prison, Sirsa, the petitioner remained admitted in the Maharaj Agrsen Medical College, Agroha, Hisar from 31.10.2021 to 12.11.2021 as he was suffering from tropical fever. The investigations in the instant case as also in the cross-version are complete and the trial is going on, which may take long time, considering the Covid-19 situation.

In view of the above facts and circumstances, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

December 20, 2021

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No