

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

CRM-M-35000-2020 (O&M)

(1) Jagroop Singh @ Roop Singh ... Petitioner

Versus

State of Punjab ... Respondent

(2) **CRM-M-38720-2020 (O&M)**

Ravinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

(3) **CRM-M-41347-2020 (O&M)**

Baba Ranjit Singh Poohla @ Ranjit Singh Rania ... Petitioner

Versus

State of Punjab ... Respondent

(4) **CRM-M-41733-2020 (O&M)**

Nirmal Singh ... Petitioner

Versus

State of Punjab ... Respondent

(5) **CRM-M-43807-2020 (O&M)**

Sukhjinder Singh @ Sukhwinder Singh @ Sukha Nihang ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:- 8.3.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vipin Mahajan, Advocate for the petitioner
in CRM-M-35000-2020.

Mr. M.S.Khaira, Senior Advocate with
Ms. Ritu Punj, Advocate for the petitioner
in CRM-M-38720-2020.

Mr. Satbir Singh Gill, Advocate for the petitioner
in CRM-M-41347-2020.

Mr. Amit Shukla, Advocate for the petitioner
in CRM-M-41733-2020.

Mr. L.S. Lakhanpal, Advocate for the petitioner
in CRM-M-43807-2020.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by ASI Jatinder Singh.

Ms. Ishma Randhawa, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. This order shall dispose off above mentioned five petitions filed on behalf of Jagroop Singh @ Roop Singh, Ravinder Singh, Baba Ranjit Singh Poohla @ Ranjit Singh Rania, Nirmal Singh and Sukhjinder Singh @ Sukhwinder Singh @ Sukha Nihang seeking grant of regular bail in a case registered against them vide FIR No.185 dated 6.7.2020 under Sections 304/307/458/447/511/148/149/188/269/353/186 IPC and Sections 25/27/54/59 of Arms Act, Section 3 of Epidemic Diseases Act and Section 51 of Disaster Management Act at Police Station Beas, District Amritsar.
2. The FIR in question was lodged at the instance of Dilpreet Singh, resident of Dera Baba Ajit Singh Puhla, Baba Bakala Sahib wherein he alleged that he is nephew of Baba Ajit Singh Puhla and that he alongwith his mother Paramjit Kaur, Mandeep Singh and Surinder Kaur reside at their Dera. It is stated therein that litigation is going on between them and one Ranjit Singh

pertaining to land of Dera and the matter is presently pending before the Court of Financial Commissioner, Revenue, Punjab, Chandigarh and they had apprehension that Ranjit Singh would attack them so as to take forcible possession of the Dera. As such, they had reported about their apprehension to the police and 15 police personnel were present at the Dera for security. It is alleged that on 5.7.2020, they had gone to sleep in their Dera and in the early hours of morning at about 3:30 a.m., they heard sound of firearm shots and noticed Ranjit Singh, Sahib Singh, Gurdev Singh, Harprit Singh, Harpinder Singh, Nirmal Singh, Nihang Sukha Singh, Sukhdev Singh accompanied by 15-20 other persons who were all armed with sticks and rifles had entered into the Dera and had opened fire recklessly and attacked them with an intention to kill them. The police personnel present in the Dera tried to stop the accused but the accused even fired at the police party and the police officials saved themselves by taking shelter under a shed. The complainant stated that he in order to save himself and other members of his family fired at the accused from his licensed Double Barrel .12 bore gun and that it could be possible that one of the accused might have got injured. In case the complainant had not fired then there would have been loss of life on the side of the complainant and his family.

3. The learned counsel representing the petitioners have submitted that a false and concocted version has been put forth in the FIR and that in fact it is a case where none from the complainant party sustained even a scratch whereas one person from the side of the accused lost his life. It has been submitted that the matter pertaining to the land of the Dera infact stands decided in favour of the petitioner Ranjit Singh wherein mutation was also

ordered to be sanctioned in favour of Ranjit Singh though the complainant party has challenged the same by way of filing an appeal, which is pending. The learned counsel have further submitted that some of the petitioners are not even named in the FIR and have subsequently been nominated as accused either on the basis of some supplementary statement or disclosure statements of co-accused which would hardly carry any evidentiary value. The learned counsel representing petitioner Ravinder Singh, while drawing the attention of this Court to disclosure statement of Ranjit Singh wherein he nominates Ravinder Singh has submitted that even as per said statement, no overt act is attributed to him and rather it is stated therein that he ran away from the spot. It has also been submitted that since the petitioners in any case have been behind bars for a substantial period and challan already stands presented, no useful purpose would be served by detaining them any further.

4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that the accused are desperate type of persons as would be evident from the fact that the complainant had been apprehending threat to their lives ever since the very beginning and on account of which the police upon finding the threat perception to be genuine had provided him with 15 police personnel for security. The learned counsel has further submitted that the mere fact that some of the accused were not named in the FIR would be of no consequence inasmuch as the occurrence had taken place in the dead of night and at that point of time, the complainant was not expected to know the names of all the accused but it is subsequently during

investigation and interrogation that names of the remaining accused had surfaced.

5. The learned State counsel has submitted that while the petitioner Ranjit Singh, Sukhjinder Singh (Nihang Sukha Singh) and Nirmal Singh are specifically named in the FIR, the name of Ravinder Singh surfaced in the disclosure statement made by the main accused Ranjit Singh and Jagroop Singh came to be arrested immediately on the day of occurrence outside the premises in question. It has further been submitted that while a gun was recovered from the petitioner Ranjit Singh a '*Sua*' (bodkin) was recovered from Sukhjinder Singh. The learned State counsel has further informed that petitioner Jagroop Singh also happens to be involved in one more case under Section 307 IPC. It has further been submitted that as many as 17 empty shells of cartridges were recovered from the Dera in question which would fully substantiate the prosecution version that the accused had entered into the Dera during night and had fired indiscriminately.
6. I have considered rival submissions addressed before this Court. It does appear that there is some kind of dispute over the land of Dera between the complainant and Ranjit Singh. It is further borne out that some incident had indeed had taken place on the night between 5.7.2020 and 6.7.2020. The presence of police officials at the spot can also not be denied as the complainant had been provided with security. Though specific allegations are levelled that the accused had fired indiscriminately after entering the Dera but it is also borne out that the complainant had also fired from his gun resulting in death of one person from the side of the accused. The complainant has, however, disclosed the said fact in the FIR itself and has

categorically stated that he had fired the shot in self-defence as in case he had not fired he or other members of his family would have been killed. The question as regards there being a right of private defence or as to whether the same extended to causing death or as to who was the aggressor is a debatable issue which can only be decided after evidence is led. However, the fact remains that none from the side of the complainant sustained any injury. Further, the petitioners have been behind bars for a period of about 8 months and challan already stands presented. The trial in its normal course would consume substantial time as a large number of witnesses have been cited. In these circumstances, further detention of the petitioners will not serve any useful purpose.

7. All the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. Since the bone of contention in the instant case is the land of Dera and the complainant has always been apprehending threat to his life and property, even before the incident in question, the petitioners would be well advised not to indulge in any kind of lawlessness and to keep away from the Dera in question.
9. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

8.3.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No