

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-36282-2020****Date of Decision: 08.02.2021**

Satnam Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Satbir Singh Gill, Advocate, for the petitioner.

Mr. H.S.Multani, AAG, Punjab, for respondents No.1 to 4,
assisted by ASI Jatinder Singh.

Ms. Ishma Randhawa, Advocate, for the complainant.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. This petition has been filed seeking issuance of a direction to respondents No.1 to 3 to handover the investigation pertaining to murder of Sukhraj Singh and pertaining to the injuries sustained by the petitioner and his brother Tejpal Singh in the same incident to any independent agency.
2. The matter arises out of FIR No.185 dated 06.07.2020 registered at Police Station Beas, District Amritsar Rural, under Sections 307, 458, 353, 186, 447, 511, 148, 149, 188 & 269 IPC; Sections 25 & 27 of the Arms Act; Section 51 of the Disaster Management Act, 2005 and Section 3 of the Epidemic Diseases Act, 1897, lodged at the instance of Dilpreet Singh @ Dippy, wherein it has been alleged that he is nephew of Baba Ajit Singh Puhla and has been residing at *Dera Baba Ajit Singh Puhla* alongwith his mother. They were having a dispute regarding land with Ranjit Singh in

respect of which the matter was pending in the Court of FCR, Chandigarh. It is alleged therein that since the complainant apprehended that Ranjit Singh in order to take forcible possession would attack them, they had moved an application to the Police Authorities and on the basis of which 15 Police personnel had been deputed for their protection. It is alleged that on 06.07.2020 at about 3.30 AM while they were sleeping in the *Dera*, they heard gun-shots and upon hearing the same, they came out of their rooms and saw that Ranjit Singh, Sahib Singh, Gurdev Singh, Harjit Singh, Harpinder Singh, Nirmal Singh, Nihang Sukha Singh, Sukhdev Singh accompanied by 15/20 other unknown persons, who were carrying sticks and rifles, had entered into the *Dera* and have attacked them and were firing gun shots indiscriminately. Although the police tried to restrain them, but they fired gun-shots towards the police party as well. The complainant alleged that in order to protect himself and other members of his family, he also fired from his licensed double barrel .12 bore gun and it is possible that some shots might have hit the assailants. It has specifically been stated that had the complainant not fired, then he or other members of his family might have lost their lives.

3. The matter was investigated by the police during the course of which CCTV footage was also collected and on the basis of which a challan was filed against the accused including the petitioner.
4. Learned counsel for the petitioner has submitted that it is a case where none from the side of the complainant has been injured, whereas one person from the side of the accused, namely, Sukhraj

Singh has died while the petitioner as well as Tejpal Singh sustained gun-shot injuries and in respect of which the police has not taken any action.

5. Opposing the petition, learned State counsel assisted by the counsel for the complainant has submitted that the matter has been thoroughly inquired by the SIT and upon examining the CCTV footage, it has transpired that it is the accused party, who were the aggressors and had assembled together at an adjacent petrol pump and had formed unlawful assembly and had thereafter attacked the complainant party and that in these circumstances, even if the complainant Dilpreet Singh had fired at the accused party, the same was obviously for the purpose of self-defence.
6. I have considered rival submissions addressed before this Court.
7. Since it is a case where one person has died from the side of the accused and the petitioner as well as one more has sustained injuries, it will certainly be desirable that the version of the petitioner be also examined and in case the same is found credible, then necessary steps warranted under law be taken thereupon. The petition, as such, is accepted with a direction to the Investigating Officer to record the version of the petitioner's side and to examine the same and to take necessary steps as may be warranted under law in case the same is found to be credible.

08.02.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**