

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

**CRM-M-41319-2021 (O&M)**

**Date of decision: 12.10.2021**

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. J.S. Bedi, Senior Advocate with  
Mr. Rubal Garg, Advocate for the petitioner.

Mr. H. S. Sitta, AAG Punjab.

\*\*\*\*

**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

**CRM-34217-2021**

Application is allowed as prayed for. Annexure P-7, MLR dated 12.10.2020 of Mandeep Kumar @ Monu, is taken on record.

**CRM-M-41319-2021**

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 173 dated 11.10.2020, registered under Section 302, 506, 148, 149, 120-B IPC and Sections 25 and 27 of the Arms Act, at Police Station Bhikhiwind, District Tarn Taran.

Learned senior counsel for the petitioner submits that the dispute

between the parties is qua a strip of land. Mandeep Kumar @ Monu (since deceased), who was brother-in-law of the complainant, had entered the land of the petitioner, along with other assailants, and thereafter, a scuffle took place between the parties in which the deceased had removed the turban of the petitioner's father.

Learned senior counsel further contends that in the present case, the first SIT drew a conclusion that the scuffle between the parties was a result of a sudden occurrence as the deceased had entered the land of the petitioner and that no empty cartridge was recovered from the place of occurrence. It is further submitted that even the second SIT in its report concluded that it was the deceased, who had entered the property of the petitioner. The learned senior counsel further contends that the petitioner had no occasion to keep an illegal weapon, when there were two licensed weapons in the name of his father. Moreover, the challan stands presented.

On the other hand, learned State counsel while opposing the submissions made by the learned senior counsel for the petitioner, submits that the petitioner had actively participated in the crime in question and taking into account the very nature of the resultant effect of wherein Mandeep Singh @ Monu had lost his life, there is no justification in the submissions made by the learned senior counsel for the petitioner that the occurrence was a result of sudden provocation. The learned State counsel further contends that the petitioner had fired a gun-shot upon the deceased which resulted into his death.

I have heard the learned counsel for the parties.

It is a case, in which, a direct gun shot injury is attributed to the petitioner on the person of the Mandeep Singh @ Monu which resulted into his death. Merely because, as alleged that the deceased entered into the property of the petitioner or his father's turban was removed or father of the petitioner was possessing licenced weapons, is no ground to negate the prosecution version that the petitioner had fired a shot with a pistol (not a licenced weapon) on the person of the deceased. Therefore, keeping in view the gravity of offence, no case is made out for grant of regular bail to the petitioner.

In view of the above, the present petition is dismissed.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**12.10.2021**  
*Mangal Singh*

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No