

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

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CRM-M-8712-2021 (O&M)

Date of Decision: 17.05.2022

Baj Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Salil Bali, Advocate, for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Harmeet Lal.

Mr. S.S.Kainth, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.81 dated 06.09.2020 at Police Station Amir Khas, District Fazilka, under Section 302 IPC and Section 27 of the Arms Act.
2. At the time of issuance of notice of motion on 24.02.2021, the following order was passed:

“The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.81 dated 06.09.2020 at Police Station Amir Khas, District Fazilka, under Section 302 IPC.

The FIR in question was lodged at the instance of Veerpal Kaur w/o Jagsir Singh (deceased), wherein it is alleged that on 05.09.2020 on account of a petty dispute between her husband and her father-in-law regarding parking of a mini truck, her father-in-law Baj Singh fired from his 12 bore double barrel gun at Jagsir Singh in front of her and killed him.

Learned counsel for the petitioner has submitted that it is in fact a case where the deceased Jagsir Singh had committed suicide, but the complainant, who had since long been pressing upon her husband's family to transfer some land in her name, has used this opportunity by coming out with a false version that it is a case of murder by the petitioner of his own son, which is in fact highly improbable and unlikely.

Learned counsel for the petitioner has submitted that the very fact that a few days after the incident in question, the complainant coerced the petitioner to transfer land in favour of her son i.e. on 09.09.2020 vide transfer deed of the even date (Annexure P-5) would substantiate the fact that false allegations have been leveled on account of greed as the complainant right from day one was after the property of her in-laws.

Learned counsel has further submitted that in fact after transfer of the land in favour of complainant's minor son vide transfer deed dated 09.09.2020 (Annexure P-5), the complainant executed an affidavit (Annexure P-2), which was deposed before the Executive Magistrate, wherein she categorically deposed that the FIR came to be lodged under some mistaken belief and in fact her husband had committed suicide.

Learned counsel has further submitted that the complainant after getting the property vide transfer deed (Annexure P-5), however, again turned around and has been harassing the petitioner for more property and which led to the petitioner filing a civil suit (Annexure P-6), wherein the learned Civil Judge (Junior Division), Jalalabad, while deciding an application under Order 39 Rule 1 & 2 CPC, restrained the defendants from interfering into peaceful possession of the plaintiff (Baj Singh) and also restrained the defendants from alienating the land.

Notice of motion for 07.07.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. The learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court the petitioner has joined investigation and that a double barrel gun used in the commission of offence has also been recovered. Learned State counsel has, however, submitted that keeping in view the serious nature of offence, the petition deserves to be dismissed.
4. Learned counsel representing the complainant also opposed the petition and has submitted that the post-mortem report shows that the deceased was shot in head from a close range, whereas on account of the length of double barrel gun, it is not possible for a person to fire at own self and that apparently it is a case where somebody else shot at the deceased. Learned counsel for the complainant has thus prayed for dismissal of the petition.
5. I have considered rival submissions addressed before this Court.
6. For the reasons recorded in order dated 24.02.2021, this Court finds that the involvement of the petitioner is not free from doubt. The contention of the complainant that keeping in view the length of the double barrel gun, it is not possible to shoot at own self cannot be accepted inasmuch as the total length of the double barrel gun includes the *butt* as well, whereas the barrel of the double barrel gun somewhere beneath which the trigger is located is about 2 feet and a person can well shoot at own self. Since the petitioner has already joined investigation and his involvement is rather rendered suspect, the petition is accepted and the interim directions issued by this Court vide order dated 24.02.2021 are hereby made absolute subject to the condition that the petitioner shall join

investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

17.05.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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