

**208 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-8510-2022(O&M)
Date of decision : 06.09.2022**

Charan Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Ish Puneet Singh, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Amitabh Tewari, Advocate and
Mr. Harkirat Singh, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.58 dated 17.05.2021 registered under Sections 307, 323, 324, 148, 149 of IPC, 1860 (Sections 302 & 326 added later on) and Sections 25, 27, 54 and 59 of the Arms Act, 1959 and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 at Police Station Sadar Patti, District Tarn Taran.

On 24.05.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Prayer in this petition is for grant of anticipatory bail in FIR No.58 dated 17.05.2021 under Sections 307, 323, 324, 148, 149 IPC (Sections 302 & 326 IPC were added later on), Sections 25/27/54/59 of Arms Act and Section 3(1)(r) of SC&ST Act (added later on), registered at Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Nirmal Singh, on receiving an information from the control room that there is a land dispute in Village Cheema Kalan between Dhara Singh's party, who is trying to plough the land and Charan Singh's party, who is trying to stop ploughing the land and a mutual fight took place, in which bullets were fired from both the sides. On receiving the information, he along with co-officials reached the village and found that Dhara Singh, his sons Salwinder Singh, Jugraj Singh, Angrej Singh along with 25-30 unknown persons, armed with guns, pistols, swords and other sharp-edged weapons were present and Rashpal Singh was ploughing the land with his tractor. Petitioner Charan Singh along with his sons Surjit Singh, Ranjit Singh, his brother Dilbagh Singh, Gandhi Singh, Sarwan Singh, Dharam Singh, Jagjit Singh and Paramjit Singh and 10-12 unknown persons armed with .12 bore pistol, sword and sharp-edged weapons were mutually fighting regarding ploughing or stopping the ploughing of the land and were firing bullets on each other. On seeing the police party, all these persons fled away from the spot. Persons from both the sides suffered bullets and sharp-edged weapons injuries and their relatives took them to different hospitals. In presence of Dhara Singh, Salwinder Singh and Kulwinder Singh, who were having injury marks and from the second party Surjit Singh, Sarwan Singh, Jagjit Singh, Paramjit Singh and Baljit Singh were also having injury mark and blood was oozing out, were taken to the hospital. When he reached the hospital to record the statement, the doctor opined that Dhara Singh's party is unfit to make statement and no MLR of the second party was received and FIR under Sections 307, 323, 324, 148, 149 IPC and Sections 25 and 27 of the Arms Act was registered.

Learned counsel further submits that on 22.5.2021, crossversion was registered on the statement of Surjit Singh vide GD No.27 against Dhara Singh's party. In the cross-version, details of the injuries sustained by Surjit Singh and others were recorded. Later on, Dhara Singh died and Section 302 IPC was added. It is also submitted that in the FIR, 16 persons have been nominated, whereas in the cross-version, 12 persons, including Dhara Singh were nominated and on the arrest of certain accused persons from both the sides, report under Section 173 Cr.P.C. has already been submitted.

Learned counsel also submits that a perusal of the FIR as well as the subsequent investigation revealed that it was a case of free fight over possession of the agricultural land, wherein Dhara Singh's side (in the FIR case) was trying to plough the land, whereas petitioner's side (in cross version) was trying to prevent them, as stated in cross-version that the petitioner's side had purchased 27 kanals 04 marlas of land from one Maninder Raj Singh and Dhara Singh and others, who belong to his family, tried to take forcible possession, though the previous wheat crop was harvested by the petitioner's side.

Learned counsel has lastly submitted that the petitioner is an old man aged about 71 years and is suffering from multiple health related issues and he has to undergo heart surgery of his existing condition.

Learned State counsel, assisted by learned counsel for the complainant, has submitted that it has come in the statement of eyewitness that petitioner Charan Singh and other accused started firing in the air with their respective weapons and thereafter, the petitioner fired upon injured witness Salwinder Singh, Kulwinder Singh and Shubh Singh. It is further submitted that fatal injury resulting into death of Tara Singh is attributed to co-accused Surjit Singh, who is son of the present petitioner.

Learned State counsel has filed the affidavit of Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran, in the Court today, in which, after verifying facts of the FIR and investigation, it is stated that during investigation, it is found that there is a land dispute between two parties and the petitioner along with his son Surjit Singh and 10-12 persons armed with pistols, guns, swords and sharp-edged weapons came at the spot, where a fight took place regarding ploughing the land and in the meantime, police reached there and as per version of the eyewitness, the petitioner has also opened fire causing injuries to three witnesses.

In reply, learned counsel for the petitioner has submitted that considering age of the petitioner, who is aged about 71 years as well as his health condition, he is ready to pay Rs.5.00 lacs to victim Salwinder Singh by way of demand draft.

List again on 06.09.2022.

In the meantime, the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join

investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

1. He shall make himself available for interrogation by a police officer as and when required;

2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

3. He shall not leave India without previous permission of the Court.

This will, however, be subject to the condition that the petitioner will hand over a demand draft of Rs.5.00 lacs favouring victim Salwinder Singh to the Investigating Officer, which will be further handed over to the victim.

[ARVIND SINGH SANGWAN]
JUDGE

24.05.2022
vishnu ”

Learned counsel for the petitioner and complainant are ad idem that the amount of Rs.5 lacs has been paid by the petitioner to the complainant. Learned State counsel has also reiterated that fact.

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Raj Kumar has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 24.05.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 24.05.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending applications, if any, stands disposed of, in view of above order.

(VIKAS BAHL)
JUDGE

September 06, 2022
Amandeep

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No