

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

**CRM M-9653-2022 (O&M)
Date of Decision: 24.05.2022**

Kuldip Singh @ Mann Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Gurpreet Kaur, Advocate,
 for the petitioner.

Mr. Charanpreet Singh, AAG Punjab.

MAHABIR SINGH SINDHU. J.

Present second petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in FIR No.71 dated 19.04.2020 under Sections 307, 336, 450, 380, 188, 148 read with Section 149 IPC and Section 25 & 27 of the Arms Act, 1959, registered at Police Station Ajnala, District Amritsar.

2. It transpires that above FIR was registered on the basis of statement made by one Mukhtar Masih @ Kalu son of Manga Masih resident of Raipur Khurad aged about 30 years to the effect that he is a labourer. They are five brothers and one sister. The elder brother is Jagtar Masih who had gone to MP with his combine. Complainant is younger to Jagtar Masih. Bikkar Masih is younger to complainant. Bikker had kept pigeons. On 18.04.2020, a pigeon had escaped out of the shed which was caught by them. At about 11/12 Gurbir Singh @ Gogi son of Jagir Singh and Rajbir Singh @ Raja son of Heera Singh resident of Rapur Khurad and Maan Singh son of Dayal Singh resident of

Bhakha Tara Singh came to their house and told that he (complainant) had caught hold of their pigeon. Accused demanded it back. In case the pigeon was not returned, they would take away all his pigeons along with the shed. The same was refused by the complainant side. At around 3.30 pm one Bolero car driven by Rajbir Singh @ Raja son of Hira Singh in which his brother Gurbir Singh @ Gogi armed with 12 bore rifle, Jagbir Singh son of Heera Singh armed with Datar all residents of Raipur Khurd and one Maan Singh son of Dayal Singh resident of Bhukha Tara Singh armed with pistol and Vikram Singh @ Vicky son of Surjit Singh resident of Panj Gariyan Nijjar armed with pistol were present, one white colour car, 3/4 motor cycles and 12/13 unidentified persons came who were armed with dangs and sottas. Rajbir Singh @ Raja parked his car in front of house of complainant and raised a *lalkara* that catch hold of them and teach them a lesson for taking away their pigeon. Accused entered into house of complainant Gurbir Singh @ Gogi, fired two shots in the air with his rifle and out of fear, children and ladies in the house ran towards neighbour's house. Jagbir Singh @ Heera Singh and co-accused took all pigeons from their shed. Maan Singh fired a shot from his pistol towards Kaka Masih with intention to kill which hit in his flank and he fell down on the ground. Bikram Singh fired two shots from his pistol towards Kaka Masih which crossed above his head. The accused stole away all pigeons and went towards the village while firing in the air. Complainant is illiterate and could not read the numbers of cars and motor cycles and thereafter came to know that Savinder Kaur wife of Kabal Singh resident of Raipur Khurad had come out from her house towards the Haveli and was also injured with the fire. All the accused fled away from the spot. Complainant and his brother who were on the roof have witnessed the entire occurrence. Complainant and Bikkar Masih

arranged one vehicle and got Kaka Masih admitted in Civil Hospital, Ajnala where doctor had referred them to Guru Nanak Dev Hospital, Amritsar.

3. This Court, on 08.03.2022 while granting interim protection, passed the following order:-

“Inter-alia contends that matter has been amicably settled between the parties at their own level.

Notice of motion.

Ms. Akshita Chauhan, AAG, Punjab & Mr. Jagpal Singh, Advocate, who are present in Court, accept notice on behalf of respondents No.1 & 2, respectively.

Learned State counsel seeks time to verify the above factual position.

Posted on 24.05.2022.

In the meanwhile, petitioner will join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Contends that in terms of the above order, petitioner has joined the investigation and his custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned and submitted that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 08.03.2022 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

24.05.2022

(MAHABIR SINGH SINDHU)

SN

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No