

**CRM-M-16726-2022;
CRM-M-25351-2022 AND
CRM-M-26857-2022**

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

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**CRM-M-16726-2022
Decided on : 06.07.2022**

Gurjeet Kaur
Versus
State of Punjab
... Petitioner
... Respondent

AND

CRM-M-25351-2022

Ranjit Kaur and another
Versus
State of Punjab
... Petitioners
... Respondent

AND

CRM-M-26857-2022

Harmeet Singh @ Kala and another
Versus
State of Punjab
... Petitioners
... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Bipan Ghai, Sr. Advocate with
Mr. Rishabh Singla, Advocate
for the petitioners in CRM-M-26857-2022.

Mr. L. S. Sidhu, Advocate
for the petitioner(s) in CRM-Ms-16726-25351-2022.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. R. S. Pandher, Advocate
for the complainant.

By virtue of this common order, this Court proposes to dispose of three petitions filed by five petitioners for grant of anticipatory bail in case FIR No. 35 dated 17.02.2022 under Sections 324, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Lambi, District Sri Muktsar Sahib (Sections 326 and 307 IPC added later on vide DDR No. 21 dated 01.03.2022 and Sections 148, 149 and 120-B IPC added later on vide DDR No. 29 dated 12.03.2022 and Section 34 IPC deleted later on). CRM-M-16726-2022 has been filed by petitioner Gurjeet Kaur. CRM-M-25351-2022 has been filed by petitioners Ranjit Kaur and her husband Paramjeet Singh Brar. CRM-M-26857-2022 has been filed by petitioners Harmeet Singh @ Kala and Sukhwinder Singh. For the sake of convenience, case bearing No. CRM-M-16726-2022 is treated as the lead case and the facts are being taken therefrom.

Learned Senior counsel for the petitioners Harmeet Singh @ Kala and Sukhwinder Singh and learned counsel for the petitioners namely Gurjeet Kaur, Ranjit Kaur and Paramjeet Singh Brar have submitted that in the present case, the petitioners have not been named in the FIR. It is further submitted that petitioners Gurjeet Kaur and Ranjit Kaur are the first cousins of the complainant Jaswinder Singh and Paramjeet Singh Brar is the husband of Ranjit Kaur and thus, the complainant was fully aware about the identity of the said persons. It is also submitted that the petitioner Harmeet Singh @ Kala and Sukhwinder Singh are close to the family of the said persons and all the petitioners

have been falsely implicated in the case only on account of there being civil litigation pending between the family of Gurjeet Kaur and the complainant Jaswinder Singh. It is contended that even as per the medical report, only two injuries have been caused to the complainant which are on his ankle i.e. on a non vital part and thus, the offence under Section 307 IPC is not even remotely made out. Specific reference has been made to the civil suit (Annexure P-6) which has been filed by the petitioners Gurjeet Kaur and Ranjit Kaur and their father Sukhjinder Singh and in the said civil suit, complainant Jaswinder Singh is defendant No. 2 and the brother of the said Jaswinder Singh i.e. Jagjit Singh is defendant No. 7. It is stated that a perusal of the said civil suit would show that the dispute between the parties is with respect to the land measuring 152 acres. It is argued that all the petitioners have been implicated after a delay of 23 days on the basis of the alleged supplementary statement of the complainant which had been recorded on 12.03.2022 (Annexure P-5) and as per the said statement, it had been stated by the complainant that he had been investigating at his own level regarding the persons who had inflicted the injuries upon him and that he had then come to know that the same had been done at the behest of Gurjeet Kaur, Ranjit Kaur and Paramjeet Singh Brar and had been got done through Harmeet Singh @ Kala and Sukhwinder Singh. It is further argued that it was not even remotely disclosed by the complainant as to on the basis of which information, the complainant had come to the said conclusion. It is also argued that it is not even the case that the prosecution, during the course of investigation, had

in any way linked the petitioners to the alleged occurrence but the point where the petitioners were made accused in the present case was only in pursuance to the supplementary statement of the complainant, which had been recorded 23 days after the registration of the FIR and in the same, no basis has been given for arriving at the conclusion that the petitioners were involved in the said occurrence. It is contended that no person has given any statement to the effect that Harmeet Singh @ Kala or Sukhwinder Singh were present at the time of the occurrence, nor there is any CCTV footage or any other tangible evidence to show that they were present at the spot. It is further contended that Gurjeet Kaur, Ranjit Kaur and Paramjeet Singh Brar have been implicated only to get an advantage in the civil proceedings and so as to dissuade them for claiming their rights with respect to the land in question. It is also contended that the motive alleged by the complainant to the effect that Gurjeet Kaur had contested the elections of Sanpanch against the wife of the complainant Jaswinder Singh, is on the face of it an after thought as the said elections had taken place in December 2018, whereas the present incident is alleged to have taken place on 17.02.2022. It is submitted that Gurjeet Kaur had sat for her examination for Bachelor of Physical Education on the said date and thus, the question of her having conspired in planning the alleged occurrence is highly unlikely. It is further submitted that even as per the supplementary statement recorded 23 days after the registration of the FIR, Harmeet Singh @ Kala is stated to have been armed with an iron

rod and is also stated to have inflicted injury upon the complainant with the said iron rod, whereas the MLR would show that the two injuries which have been caused to the complainant on his ankle are both caused with a sharp weapon. It is thus submitted that the petitioners have been falsely implicated in the present case. It is submitted that in all the three cases, notice of motion has been issued and the petitioners have been granted interim protection and in pursuance of the same, the petitioners have joined the investigation. The order passed in case bearing No. CRM-M-16726-2022 on 25.04.2022 has been relied upon and the same is reproduced hereinbelow:-

Learned counsel for the petitioner inter alia contends that in the present case, the petitioner has not been named in the FIR and even as per the FIR, no injury has been attributed to the petitioner. It is further submitted that even co-accused of the petitioner has alleged to have been given injury on the non-vital parts i.e. legs. It is contended that the offence under Section 307 of IPC has been wrongly added as there is no injury which is on any vital part of the body. It is also contended that the petitioner has been involved in the case after a delay of 27 days solely, by alleging that the petitioner also conspired with the co-accused. It is argued that the petitioner's family has filed a civil suit against the complainant party and it is on account of the said fact that the petitioner has been subsequently falsely implicated in the present matter. It is also argued that the petitioner is a young girl, who has finished her LLB course and on the date of alleged incident, she had gone

to appear in an examination for the same. It is further contended that the alleged elections, which the petitioner had lost, had taken place in December, 2018 and the question of there being any motive after a period of four years moreso, on the date of examination to have caused the alleged incident, is highly unlikely. It is also submitted that the petitioner is not involved in any other case and she has been involved in the case only to pressurize her to let go of her share in the family property.

Notice of motion.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions. Mr. Ramandeep Singh Pandher, Advocate appears on behalf of the complainant and has submitted that he would produce the documents on record to show that the petitioner is not entitled to anticipatory bail.

Adjourned to 06.07.2022.

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

Learned counsel for the State as well as counsel for the petitioner are given liberty to produce any documents on record for the purpose of final adjudication of the case.”

A similar interim order had been granted in the connected

matters.

Learned State counsel as well as counsel for the complainant have opposed the present application for anticipatory bail and have submitted that in the present case, the complainant had investigated at his own level and after the said investigation, he had given the supplementary statement dated 12.03.2022 as per which he had informed the police about the involvement of all the present petitioners. It is further submitted that the statement of the brother of the complainant namely Jagjit Singh was also recorded on 17.02.2022 and the said Jagjit Singh had stated that he can identify the persons who had caused injuries to the complainant. It is argued that after the supplementary statement dated 12.03.2022 had been recorded, the investigation was carried out by the police and they found that there were several phone calls exchanged between Sukhwinder Singh, Gurjeet Kaur and Ranjit Kaur which clearly shows that all the persons had acted in collusion with each other and had committed the alleged offences. It is also submitted that the motive behind committing the said offences had also been mentioned in the supplementary statement which was to the effect that Gurjeet Kaur had lost the elections of Sarpanch in which she was standing against the wife of the complainant. It is argued that the partition suit between the parties is also pending and thus, it is on account of the said fact also that the petitioners had conspired to cause injuries to the complainant.

Learned senior counsel as well as counsel for the

petitioners, in rebuttal, have submitted that it is not the case of the prosecution that even the said Jagjit Singh had made any statement before the police identifying any of the petitioners to be the persons who had caused the alleged injuries and thus, the said initial statement of the said Jagjit Singh is irrelevant. It is further submitted that the argument of learned State counsel as well a counsel for the complainant to the effect that there were phone calls exchanged between Sukhwinder Singh, Ranjit Kaur and Gurjeet Kaur in no way furthers the case of the prosecution, in fact, it would further show that they, being family members have been implicated on account of the pending civil litigation and the petitioners Harmmeet Singh @ Kala and Sukhwinder Singh have been implicated only on account of being on friendly terms with the said persons.

This Court has heard the learned counsel for the parties and has perused the paperbook.

It is not in dispute that Gurjeet Kaur and Ranjit Kaur are the first cousins of the complainant Jaswinder Singh. Paramjeet Singh Brar is the husband of said Ranjit Kaur. The FIR has been registered on the statement of Jaswinder Singh and in the said FIR, he has not named any person as an accused. All the petitioners have been implicated after a delay of 23 days on the basis of the supplementary statement made by the complainant on 12.03.2022 (Annexure P-5). Even a perusal of the said statement would show that it has been stated by the complainant therein

that he had carried out the investigation at his own level and had found that all the petitioners had committed the said offences. In the said supplementary statement, the father's name of Harmeet Singh @ Kala and Sukhwinder Singh has also been mentioned. Learned counsel for the complainant has not been able to pin point as to on the basis of which information/investigation, the complainant was able to find out that it was the petitioners who were involved in the alleged incident. It is not in dispute that the brother of the complainant, namely Jagjit Singh, who has been stated to have given his statement on 17.02.2022 to the effect that he could identify the accused persons, has not got any further statement recorded to the effect that it was any of the present petitioners who had committed the said crime. The motive alleged in the supplementary statement dated 12.03.2022 was to the effect that Gurjeet Kaur had contested the elections of Sarpanch against the wife of the complainant. It is also not disputed that the said election had taken place in December 2018 and even the said Gurjeet Kaur had taken her examination on the date of the alleged incident and it is highly unlikely that a person would conspire to commit the alleged offence with the abovestated motive after a period of 4 years has elapsed, that too, on the date when she had to sit for her examination. The civil suit (Annexure P-6) has been filed by Gurjeet Kaur and Ranjit Kaur, alongwith their father, in which Jaswinder Singh and Jagjit Singh are defendants No. 2 and 7 respectively and the said suit has been filed in the year 2021 and is stated to be pending. Even a partition suit has been filed by the parties and thus, there is an ongoing civil dispute

between Gurjeet Kaur, Ranjit Kaur and Paramjeet Singh Brar on one side and the complainant and his family members on the other side. The argument on behalf of the petitioners to the effect that they have been falsely implicated, without there being any material to connect them with the alleged occurrence only in order to stop them from claiming their legal rights in the said property, cannot be outrightly rejected. A perusal of the MLR would show that two injuries have been caused to the complainant which are both on his ankle and thus, the question as to whether the offence under Section 307 IPC is made out in the present case or not would also be a matter of debate. The allegation in the supplementary statement of the complainant recorded on 12.03.2022 i.e. after a delay of 23 days to the effect that Harmeet Singh was armed with an iron rod and that he had caused injuries to the complainant with the said iron rod is also contrary to the medical evidence inasmuch as, the medical evidence shows that both the injuries suffered by the complainant have been caused by a sharp weapon on his ankle. The petitioners have already been granted interim bail by this Court and the petitioners have been stated to have joined the investigation and nothing has been stated so as to show that they have misused the concession of the said interim bail or have threatened the complainant party.

Keeping in view the abovesaid facts and circumstances, all the three petitions are allowed and all the five petitioners are granted anticipatory bail and the interim orders dated 25.04.2022,

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02.06.2022 and 20.06.2022 are ordered to be made absolute.

However, 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 application.

(VIKAS BAHL)
JUDGE

July 6th, 2022
Mehak

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

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CRM-M-25351-2022 AND
CRM-M-26857-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227 (3)

CRM-M-42530-2021 (O&M)
Decided on : 16.12.2021

Gurdit Singh @ Deep

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. Madhu Jangra, Advocate for
Mr. Himanshu Rao, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. S. S. Aviraj, Advocate
for the respondent Nos. 2 to 7.

VIKAS BAHL, J.

For order see, vide an order of even date passed in **CRM-M-26676-2021** titled as **Dr. Kulwinder Singh and others Vs. State of Punjab and others.**

**(VIKAS BAHL)
JUDGE**

December 16th, 2021
Mehak