

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

CRM-M-33466-2021 (O&M)

(1)	Gurjit Singh	...Petitioner
	Versus	
	State of Punjab	...Respondent

(2)		CRM-M-35026-2021 (O&M)
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	Lakhwinder Singh and another	...Petitioners
	Versus	
	State of Punjab	...Respondent

(3)		CRM-M-37784-2021 (O&M)
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	Wassan Singh	...Petitioner
	Versus	
	State of Punjab	...Respondent

Date of Decision:- 2.4.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. J.S. Dadwal, Advocate for the petitioners
in CRM-M-33466-2021, CRM-M-37784-2021 &
CRM-M-35026-2021.

Mr. Anmol Singh Sandhu, AAG, Punjab,
assisted by ASI Gurmukh Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned three petitions filed on behalf of Gurjit Singh, Lakhwinder Singh and Wassan Singh seeking grant

of anticipatory bail in a cross version recorded vide DDR No.16 dated 15.6.2021 under Sections 307/336/325/148/149 of Indian Penal Code and Sections 25/27/54/59 of Arms Act at Police Station Beas, District Amritsar Rural which came to be recorded in FIR No.157 dated 12.6.2021 registered at Police Station Beas, District Amritsar Rural under Sections 307/34 of Indian Penal Code and Sections 25/27 of Arms Act.

2. The dispute amongst the parties seems to be regarding possession over a piece of land between petitioner Lakhwinder Singh and his brother Manjit Singh. FIR No.157 dated 12.6.2021 out of which the instant DDR i.e. DDR No.16 dated 15.6.2021 has arisen, was lodged at the instance of Lakhwinder Singh, wherein he has stated that he has two sons namely Wassan Singh and Gurjit Singh and that on 12.6.2021 when his son Gurjit Singh was making a 'watt' (boundary line made by raising of soil to demarcate adjoining fields), then Manjit Singh and his son Rajinder Singh @ Raja and his wife Lakhwinder Kaur wife of Manjit Singh came there. It is alleged that Rajinder Singh @ Raja fired at Gurjit Singh and the pellets hit him on his chest, abdomen, head and arms. Manjit Singh and Lakhwinder Kaur had been raising '*lalkara*' that Gurjit Singh be taught a lesson.
3. After about 3 days i.e. on 15.6.2021, the instant DDR (Annexure P-6) came to be recorded at the instance of Sandeep Kaur wife of Rajinder Singh @ Raja, wherein it has been alleged that on 12.6.2021 Wassan Singh armed with a 12 bore rifle, Gurjit Singh also carrying a 12 bore rifle and Lakhwinder Singh armed with a '*khundi*' and Kuljit Kaur @ Ghukkar, daughter of Lakhwinder Singh, armed with a '*saria*' alongwith two unknown

persons, who were carrying '*dattars*' were present near the boundary of their fields, where Gurjit Singh was cultivating land with his tractor. It is alleged that Wassan Singh fired directly towards them with his 12 bore rifle with an intention to kill and when the complainant (complainant of DDR namely Sandeep Kaur) tried to turn around, Wassan Singh again fired with his 12 bore rifle hitting her on her shoulder as a result of which she fell down. Kuljit Kaur @ Ghukkar came running and tried to hit her on her head with a '*saria*' but the complainant Sandeep Kaur was able to ward off the said blow with her hand and consequently her finger was injured. When the mother-in-law of said complainant Sandeep Kaur raised alarm, the accused are stated to have fled away from the spot with their tractor.

4. The learned counsel representing the petitioners has submitted that it is a case of cross-versions wherein false allegations have been levelled against the petitioners. It has been submitted that it is infact the opposite party, which is the aggressor and on account of the gun-shot fired at Gurjit Singh by opposite party he sustained six injuries on his chest, abdomen, head and arms whereas only one gunshot injury is attributed to petitioner Wassan Singh which is alleged to have been caused on the shoulder of complainant Sandeep Kaur. It has further been submitted that as per the medical opinion (Annexure P-10 in CRM-M-37784-2021), even the said injury has been found to be doubtful. The learned counsel has submitted that the very fact that the DDR against the petitioners came to be lodged belatedly i.e. after 3 days of lodging of the FIR would clearly show that a cooked up story has been put forth by the opposite party against the petitioners.

5. It has been submitted on behalf of petitioner – Gurjit Singh that he is not attributed any injury. The learned counsel has further submitted that Lakhwinder Singh, though alleged to be armed with a '*khundi*', is also not attributed any injury. It has also been submitted that although Kuljit Kaur, a married daughter of Lakhwinder Singh is stated to be armed with a '*saria*' and is alleged to have inflicted an injury on the finger of the complainant – Sandeep Kaur but the same is apparently some kind of self-suffered injury so as to falsely implicate a married daughter of Lakhwinder Singh.
6. On the other hand, the learned State counsel has opposed the petitions on the ground that since there are specific allegations against the petitioners and some injuries were found on the person of the complainant – Sandeep Kaur, the complicity of the petitioners is clearly evident and they do not deserve the concession of bail. The learned State counsel has, however, informed that pursuant to interim directions, the petitioners have joined investigation and that they are not wanted for any custodial interrogation.
7. I have considered rival submissions addressed before this Court.
8. While examining the nature of injuries sustained on both the sides, it is quite apparent that it is the petitioner's side which had received more number of injuries. In fact, Gurjit Singh was seriously injured having sustained as many as six gunshot injuries on his chest, abdomen, head and arms. The said factual position points towards the aggression on part of the opposite party. Though, petitioner Wassan Singh is attributed a gunshot injury but the medical report (Annexure P-10) somehow casts some kind of doubt regarding the same. The petitioners Gurjit Singh and Lakhwinder Singh are

not attributed any injury. Kuljit Kaur is attributed one injury with the help of a 'saria' on the finger of complainant – Sandeep Kaur. The petitioners are not stated to be involved in any other case previously.

9. Keeping in view the totality of the facts and circumstances of the case, this Court is of the opinion that the petitioners deserve the concession of anticipatory bail.
10. All the three petitions, as such, are accepted and the interim directions issued by this Court vide order dated 18.8.2021, 26.8.2021 and 13.9.2021 are hereby made absolute subject to the condition that the petitioners shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
11. A photocopy of this order be placed on the file of connected case(s).

2.4.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No