

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

**CRM-M-33652-2021 (O&M)**

|     |                 |               |
|-----|-----------------|---------------|
| (1) | Lakhwinder Kaur | ...Petitioner |
|     | Versus          |               |
|     | State of Punjab | ...Respondent |

|     |                       |                                   |
|-----|-----------------------|-----------------------------------|
| (2) |                       | <b>CRM-M-37605-2021 (O&amp;M)</b> |
|     | Rajinder Singh @ Raja | ...Petitioner                     |
|     | Versus                |                                   |
|     | State of Punjab       | ...Respondent                     |

Date of Decision:- 2.4.2022

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Balbir Singh Jaswal, Advocate for the petitioner(s)

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

Mr. J.S. Dadwal, Advocate for the complainant  
in CRM-M-37605-2021.

*(proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J.**

1. This order shall dispose off the above mentioned two petitions filed on behalf of Lakhwinder Kaur and Rajinder Singh @ Raja seeking grant of anticipatory bail in a case registered against them vide FIR No.157 dated 12.6.2021 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 Lakhwinder Singh and his brother Manjit Singh. FIR No.157 dated 12.6.2021 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 '*talkara*' that Gurjit Singh be taught a lesson.
3. After about 3 days i.e. on 15.6.2021, a cross-version in the shape of DDR No. 16 dated 15.6.2021 (Annexure P-3) 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. Notice of motion was issued in these cases. While the petitioner Lakhwinder Kaur had been granted interim bail vide order dated 19.8.2021 and had been directed to join investigation, no such specific order was passed in the case of petitioner Rajinder Singh @ Raja. However, an order staying his arrest had been passed, without issuance of any direction for joining investigation.
5. The learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and that the instant case is a case of cross-versions wherein Sandeep Kaur daughter of petitioner Lakhwinder Kaur also sustained injuries including a gunshot injury on her shoulder. The learned counsel has submitted that it is a case where the opposite party wanted to forcibly take possession of a land which is in possession of the petitioners' family. The learned counsel has drawn the attention of this Court to photographs (Annexure P-2) wherein one person is shown to be on a tractor. Another picture shows two persons with muffled faces standing in fields. It has additionally been submitted on behalf of petitioner Lakhwinder Kaur that she, in any case, is not attributed any injury and is alleged to have raised a *lalkara* only and apparently she has been falsely implicated.
6. On the other hand, the learned State counsel, assisted by counsel for the complainant, has submitted that since the petitioners are specifically named in the FIR and the petitioner Rajinder Singh @ Raja is specifically alleged to

have fired at Gurjit Singh with his gun and Gurjit Singh was found to have sustained as many as six injuries on his chest, abdomen, head and arms, no case for grant of anticipatory bail to either of the petitioners is made out. The learned State counsel has, however, informed that petitioner – Lakhwinder Kaur has since joined investigation and is not required for any custodial interrogation.

7. I have considered rival submissions addressed before this Court.
8. It is apparently a case of cross-version wherein members of both the parties have sustained injuries. However, while examining the number and nature of injuries on both the sides, it is borne out that it is the opposite side which has sustained more number of injuries. Gurjit Singh from the opposite side, as already stated above, sustained six gunshot injuries on vital parts of his body. Though, petitioner Lakhwinder Kaur is also alleged to have sustained one gunshot injury, some kind of doubt has been raised on account of the medical opinion as furnished by the Board of Doctors, office of Civil Surgeon, Amritsar wherein it has been opined that on the basis of medical record pertaining to injury no. 1 i.e. alleged gunshot injury on the shoulder of Sandeep Kaur and the metallic bodies present underlying the injury, the same does not seem to have occurred concurrently during the scuffle and that the said injury seems to be doubtful.
9. In view of the aforesaid discussion, while this Court is of the opinion that the petitioner Lakhwinder Kaur who is a lady and is attributed a *lalkara* only deserves the concession of anticipatory bail, the petitioner Rajinder Singh @

Raja who has attributed six gunshot injuries does not deserve the concession of anticipatory bail, as his custodial interrogation would be necessary.

10. The petition on behalf of Lakhwinder Kaur, as such, is accepted and it is ordered that the petitioner in the event of her arrest shall be released on bail subject to her 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 also abide by the conditions as provided under Section 438 (2) Cr.P.C.
11. The petition on behalf of Rajinder Singh @ Raja is dismissed.
12. A photocopy of this order be placed on the file of connected case.

**2.4.2022**

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**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned  
Whether Reportable

Yes / No  
Yes / No