

101

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

CRM-M-30563-2022

Date of decision : 22.07.2022

Kuldeep Singh @ Golu and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Lakhan Paul Garg, Advocate for
Mr. J.S. Gill, Advocate for the petitioners.

Mr. Anmol Malik, DAG, Haryana.

Mr. Karunesh Kaushal, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.298 dated 26.06.2022 registered under Sections 147, 148, 149, 307, 323, 341, 506 of the Indian Penal Code, 1860 at Police Station Sadar Dabwali, District Sirsa.

Learned counsel for the petitioners has submitted that in the present case, there was a land dispute between the parties and the petitioners have only been attributed injuries inflicted upon Makhan Singh with dandas/sticks and has submitted that it was the other co-accused persons who have been attributed firearm injuries.

On the other hand, learned counsel for the State and

complainant have opposed the present petition for grant of anticipatory bail to the petitioners and have submitted that in the present case, the petitioners, alongwith the other co-accused, had attacked the complainant party and in the process, had injured three persons i.e. complainant-Gursewak Singh, his father Makhan Singh and Jagsir Singh and the said persons have sustained 4-2-2 injuries respectively. It is further submitted that injuries suffered by Gursewak Singh and Jagsir Singh, including gunshot injuries. It is contended that the petitioners have also been attributed specific injuries inflicted with sticks/dandas upon Makhan Singh and has further contended that sticks/dandas are yet to be recovered from the present petitioners. It is argued that the petitioners and the co-accused had the common intention of killing the complainant since they were also carrying firearms and thus, they do not deserve the concession of anticipatory.

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

FIR in the present case had been registered on the statement of Gursewak Singh son of Makhan Singh who had stated that on 25.06.2022 in the night at 10/10.15 pm, he was going on a motorcycle with his father Makhan Singh for watering the land of Avtar Singh and when he reached near the bridge on the road, there the present petitioners alongwith Iqbal Singh, Amritpal Singh, Jaswant Singh and 2/3 unknown persons came with weapons and stopped his motorcycle by blocking the way and Iqbal Singh raised lalkara and thereafter, one unknown boy caught hold of the complainant and Iqbal Singh fired on the complainant with his pistol in order to kill him and the complainant raised his right hand in order to save

himself and the shot hit on his hand and some pellets fired also hit him in his stomach and thereafter, Amrit Singh co-accused attacked the complainant with a sword on his right hand and then both the petitioners started beating Makhan Singh, who is father of the complainant and is a 70 year old person, with dandas/sticks in their hand and due to the injuries given by the said petitioners to his father, the complainant and father of the complainant i.e. Makhan Singh raised alarm and on hearing the same, Avtar Singh and Jagsir Singh came to the spot in order to save them but Jaswant Singh, who was also having pistol in his hand, fired a direct shot at the hand of Jagsir Singh and thereafter, the complainant party raised alarm and the said persons fled from the spot with their weapons and the motorcycle.

A perusal of the FIR would show that the petitioners, alongwith the other accused persons, had carried out an attack on the complainant party and in the process had injured three persons. The members of the petitioners' party were also carrying pistols in their hands and had fired at the complainant party. Gursewak Singh received the following injuries:-

<i>Sr. No.</i>	<i>Injuries</i>	<i>Marked</i>	<i>Injury Number</i>
1	Lacerated wound of size measuring 1 cm x 1 cm present over inner aspect of right arm margins inverted blackening seen around the wound, corresponding cloth torn over the injury Adv X-Ray and surgeon opinion	No	1
2	Lacerated wound of size 1cm x 0.5 cm present over outer aspect right arm margins irregular corresponding cloth torn over the injury Adv X-Ray and Surgeon opinion	No	2
3	Multiple tiny penetrating wounds 40 to 50 in number of size varying from 0.2 cm x 0.2 cm to 0.2 cm x 0.1 cm present over inner aspect of right forearm, margins inverted blackening seen around the wound corresponding cloth have multiple tiny cuts over the injury part Adv X-Ray and Surgeon opinion	No	3

	Multiple tiny penetrating wounds 70 to 80 in number of size varying from 0.2 cm x 0.2 cm to 0.2 cm x 0.1 cm present over chest extending to abdomen, margins inverted blackening present around the wound, corresponding cloth have multiple tiny cuts over the injury part	No	
4	Adv X-Ray Chest and USG Abdomen and Surgeon opinion		4

With respect to the abovesaid injuries, x-ray and surgeon opinion has been advised and the same is awaited.

Jagsir Singh has suffered two injuries, which also includes a gun shot injury, and the same are detailed hereinbelow:-

<i>Sr. No.</i>	<i>Injuries</i>	<i>Marked</i>	<i>Injury Number</i>
	Lacerated wound of size 5cm x 1.5cm present over inner aspect of left arm, margins inverted and irregular blackening around wound present corresponding cloth torn over the injury.	No	
1	Adv. Xray and surgeon opinion		1
	Multiple tiny penetrating wounds 30 to 40 in number of size varying from 0.2 cm x 0.2 cm to 0.2 cm x 0.1 cm present over abdomen margins inverted blackening seen around the wound corresponding cloth torn over the injury part.	No	
2	Adv X-Ray and Surgeon opinion		2

With respect to the abovesaid injuries, x-ray and the surgeon opinion is awaited.

Makhan Singh has suffered two injuries, one on the left hand and the other on the right knee and the same are detailed hereinbelow:-

<i>Sr. No.</i>	<i>Injuries</i>	<i>Marked</i>	<i>Injury Number</i>
	Abrasion of size 1 cm x 0.5 cm on index finger of left hand	No	
1	Adv. X ray and ortho opinion		1
	Abrasion of size 2cm x 0.2 cm above right knee.	No	
2	Adv. X-ray and ortho opinion		2

Although, the said two injuries are abrasions, but x-ray and Ortho opinion has been advised regarding the same and the same, even as

per the stand of the State, is still awaited.

From the above, it is prima facie clear that the petitioners, alongwith other persons, had together planned the attack and had caused the abovesaid injuries in pursuance of their plan. Although, the injuries suffered by Makhan Singh are abrasions but this Court, in view of the abovesaid factors, is not inclined to grant anticipatory bail to the petitioners who had actively participated in the said occurrence. The sticks/dandas as well as the motorcycle are yet to be recovered from the petitioners and thus, their custodial interrogation is required.

Keeping in view the abovesaid facts and circumstances, the present petition is dismissed.

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.

22.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No