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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31665-2022
Date of Decision: 08.08.2022

Baljinder Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. M.S. Sidhu, Advocate, for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. M.K. Bhatnagar, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 154 dated 18.06.2022, under Sections 323, 307, 506, 148, 149 IPC and Section 25/27 of Arms Act, registered at Police Station Kotwali, District Kapurthala.

It has been submitted by the learned counsel for the petitioner that it is a case where the petitioner is in custody from 19.06.2022 and initially the FIR was registered under Sections 323, 307, 506, 148, 149 IPC and Section 25/27 of Arms Act and during the course of investigation Section 307 IPC was deleted and Sections 336 and 325 IPC were added qua the present petitioner. He further submitted that in fact it was a case of

version and cross version whereby two parties had a fight over a piece of land which was a panchayat land and the other person namely Pishora Singh was the aggressor party and so far as the complainant in the present case is concerned, he was only an intervenor. He further submitted that the petitioner was in possession of the land for a long period of time and he also possessed a double barrel gun which was a licensed weapon and out of self-defence the petitioner fired and it is to be established at the time of trial only as to who was the aggressor party and the fact that during the course of investigation Section 307 IPC has been deleted, the petitioner may be considered for the grant of regular bail. He further submitted that the remaining offences under the IPC are bailable offences and only Sections 25/27 of the Arms Act are non-bailable offences and in fact the double barrel gun was a licensed weapon used for self-defence. He further submitted that both the parties received injuries in the present case.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody from 19.06.2022 and during the course of investigation Section 307 IPC has been deleted whereas Sections 336 and 325 IPC have been added. He further submitted that it is a case of version and cross version and both the parties received injuries and that the double barrel gun was a licensed weapon.

I have heard the learned counsel for the parties.

The petitioner is in custody from 19.06.2022 and during the course of investigation Section 307 IPC was deleted and Sections 336 and 325 IPC were added. It is not in dispute that the petitioner was in possession of a licensed weapon and the dispute was with regard to the land which was

a panchayat land. It is also not in dispute that it is a case of version and cross version. Therefore, a question as to whether the party of the petitioner was the aggressor party or the other party was the aggressor party is to be decided at the time of trial.

Therefore, considering the aforesaid facts and circumstances, this Court is of the view that the petitioner is entitled for the grant of regular bail.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned in FIR No.154 dated 18.06.2022, under Sections 323, 506, 148, 149 IPC (Sections 336 and 325 IPC added and Sections 307 IPC deleted later on) and Section 25/27 of Arms Act, registered at Police Station Kotwali, District Kapurthala.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

08.08.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No