

**208-B        *IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH***

**CRM-M-35200-2022(O&M)**

**Date of decision : 06.09.2022**

Ranjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr. Jagat Vir Dhindsa, Advocate for  
Mr. P.S. Ahluwalia, Advocate  
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Amitabh Tewari, Advocate and  
Mr. Harkirat Singh, Advocate  
for the complainant.

**VIKAS BAHL, J.(ORAL)**

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.58 dated 17.05.2021 registered under Sections 302, 307, 326, 323, 324, 427, 148, 149 of IPC, 1860 and Sections 25, 27, 54 and 59 of the Arms Act, 1959 and Section 3(1) (r ) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 at Police Station Sadar Patti, District Tarn Taran.

On 09.08.2022, this Court was pleased to pass the following order:-

*“Learned counsel for the petitioner inter alia contends that in the present case, the petitioner has been falsely implicated and has submitted that neither any specific injury has been attributed to the petitioner nor he is stated to be armed with any weapon. It is further submitted that the present case was registered on the basis of ruqa sent by SI Nirmal Singh wherein it was alleged that a fight had taken place*

*between two parties i.e. one being the party of Dhara Singh and the other being the party of Charan Singh and it was stated that both the sides had attacked each other and received injuries in the occurrence. It is contended that as per FIR, 16 persons had been named as accused persons from both the sides and ultimately two versions were recorded and one version was recorded on the basis of statement of Salwinder Singh (opposite party's version) after two days of registration of the FIR and three days after the occurrence and even in the said version, the petitioner had not been named. It is further contended that the cross-version was recorded on the statement of Surjit Singh son of Charan Singh (petitioner's party). The complainant party, in their version had suppressed the genesis of the occurrence and had not explained the injuries which had been suffered by the co-accused of the petitioner as has been detailed in the cross version to the effect that five persons had suffered serious injuries from the side of the petitioner including Jagjit Singh, Paramjit Singh, Surjit Singh, Sarwan Singh and Baljit Singh and has referred to medico legal report with respect to the same which are annexed as Annexures P-3 to P-7 with the paper book. It has been highlighted that some of the injuries received by the co-accused of the petitioner were also gun shot injuries. It is argued that in the present case, no offence under the SC/ST Act is made out inasmuch as in the FIR, there is no allegation of use of derogatory words, much less by the petitioner. It is further argued that the co-accused Baljit Singh, from the petitioner's party, himself belongs to a Scheduled Caste. It is further submitted that the allegation under Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 levelled in Salwinder Singh's statement has not been made against the present petitioner and has only been alleged against Bhupinder Kaur, who has already been exonerated by the Investigating agency and there are no allegations levelled in the statement of Salwinder Singh or in the FIR to the effect that the petitioner or any other co-accused was aware of the fact that the complainant-Salwinder or any other persons belonging to the party of Dhara Singh belong to Scheduled Castes. The said aspect has also been considered by the Coordinate Bench of this Court while granting anticipatory bail to Paramjit Singh and the same has been upheld by the Hon'ble Supreme Court. It is further submitted that five other co-accused persons from the side of the petitioner have been granted interim protection/anticipatory bail and the case of the petitioner is on a higher footing than that of co-accused Patel Singh who has been granted anticipatory bail by the Coordinate Bench of this Court vide order dated 23.02.2022 (Annexure P-11) in CRM-M-3006-2022 inasmuch as the said*

*Patel Singh had been alleged to have fired in the air whereas, there is no overt act attributed to the petitioner. It is stated that the said order has been upheld by the Hon'ble Supreme Court vide order dated 11.03.2022 (Annexure P-20). It is further contended that the other co-accused of the petitioner namely Charan Singh has also been granted the interim protection and the said case is pending for 06.09.2022 and even Sarwan Singh @ Gandhi Singh, Paramjit Singh and Jagjit Singh have been granted anticipatory bail and their orders have been annexed as Annexures P-10, P-12 and P-13 respectively with the paper book. It is further argued that this Court, after considering the entire issue has also granted regular bail to Sarwan Singh vide order dated 21.07.2022 (Annexure P-14). It is further highlighted that even accused persons from the opposite side have been granted interim protection/anticipatory bail and one of the accused has been granted regular bail. It is stated that Angrej Singh, Kulwinder Singh and Jugraj Singh have been granted anticipatory bail and their orders have been annexed as Annexures P-16, P-17 and P-18 respectively with the paper book and Salwinder Singh has been granted regular bail vide order dated 24.05.2022 (Annexure P-15). It is submitted that in the present case, it is apparent that there was a free fight as both the parties were armed with weapons and, therefore, an individual, at best, would be responsible for his own acts. It is further submitted that the petitioner is not involved in any other FIR and that the order passed by this Court granting regular bail to Sarwan Singh i.e. in CRM-M-30485-2022 decided on 21.07.2022 has also been highlighted to show the entire background of the dispute. Relevant portion of the said order is reproduced hereinbelow:-*

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

*A perusal of the record would bring out the following facts:-*

- (i) The fight in the present case had taken place on account of a land dispute in village Cheema Kalan between two parties, one being the party of Dhara Singh (opposite side) and the other being the party of Charan Singh; (petitioner's side).*
- (ii) The FIR in the present case was registered by SI Nirmal Singh on 17.05.2021 (Annexure P-1) wherein he had specifically mentioned that both the parties, each consisting of a large number of persons, were present at the place of occurrence and several persons from both sides, including the present petitioner were injured.*
- (iii) On the statement of Salwinder Singh, recorded after 2 days of the registration of the FIR and 3 days of the occurrence, several persons, including the present petitioner, were nominated as accused persons.*

- (iv) The cross version was recorded on the statement of Surjit Singh who had also nominated several persons to be accused persons from the side of Dhara Singh (opposite party).
- (v) From the side of the petitioner, 5 persons have been granted the concession of anticipatory bail, the details of which have been given in the following chart:-

| Sr. No. | Annex/pg.     | Case No.                                                                                                                                               | Name                        | Role Ascribed                                                                                                |
|---------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------|
| 1       | P-9/Pg.54     | CRM-M-8510-2022<br>Interim protection granted and the said case is fixed for 06.09.2022 with the condition that he would pay Rs.5 lakhs to the victim. | Charan Singh                | Identical role as petitioner: shot at Salwinder Singh, Kulwinder Singh and Shubh.                            |
| 2       | P-10/Pg.59    | CRM-M-15959/2022                                                                                                                                       | Swaran Singh @ Gandhi Singh | Fired in the air.                                                                                            |
| 3       | P-11/Pg.61    | CRM-M-3006/2022                                                                                                                                        | Patel Singh                 | Fired in the air.                                                                                            |
| 4       | P-12/Pg.71/80 | CRM-M-44718/2021<br>Interim order made absolute on 06.01.2022.                                                                                         | Paramjit Singh              | No specific role/weapon ascribed. Sustained injuries on left eye (page 23).                                  |
| 5       | P-13/Pg.82    | CRM-M-42407/2021                                                                                                                                       | Jagjit Singh                | No specific role/weapon ascribed. Sustained injuries resulting in 100% loss of vision at age of 35 (page 22) |

It would be relevant to note that the orders passed in fvoir of Patel Singh and Paramjit Singh were challenged before the Hon'ble Supreme Court and the same have been upheld and the details of the same are given in the following chart:-

| <i>Sr. No.</i> | <i>Annex./pg.</i> | <i>Case No.</i>                    | <i>Name of accused</i> |                                                                                                                                                |
|----------------|-------------------|------------------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 1              | P-18/ Pg.95       | SLP (Criminal) Diary No. 6054/2022 | Patel Singh            | Order passed in CRM-M-3006/2022 (Annexure P-11) tested and affirmed by the Hon'ble Supreme Court of India.                                     |
| 2              | -                 | SLP (Criminal) Diary No. 1387/2022 | Paramjit Singh         | Order passed in CRM-M-44718/2022 (Annexure P-12) tested and affirmed by the Hon'ble Supreme Court of India. (reproduced at Pg 68 of paperbook) |

From the side of Dhara Singh (opposite side), 3 persons have been granted the concession of anticipatory bail. The details regarding the same have been given in the chart hereinbelow:-

| <i>Sr. No.</i> | <i>Annex./pg.</i> | <i>Case No.</i>  | <i>Name</i>     | <i>Role Ascribed:</i>                                                                              |
|----------------|-------------------|------------------|-----------------|----------------------------------------------------------------------------------------------------|
| 1              | P-15/Pg.88        | CRM-M-51742/2021 | Angrej Singh    | Armed with Daang and gave daang blows on left arm and thumb of left hand of Surjit Singh (Page 24) |
| 2              | P-16/Pg.90        | CRM-M-53317/2021 | Kulwinder Singh | Armed with 32 Bore revolver and fired shots at Surjit Singh on right thigh (page 24)               |
| 3              | P-17/Pg.92        | CRM-M-17843/2022 | Jugraj Singh    | Armed with Takua and also fired shots at Baljit Singh                                              |

One person from the party of Dhara Singh (opposite party) has been granted the concession of regular bail and the details regarding the same has been given in the chart hereinbelow:-

| Sr. No. | Annex./pg. | Case No.         | Name            | Role Ascribed:                                                                                                                                                                                               |
|---------|------------|------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1       | P-14/Pg.84 | CRM-M-54583/2021 | Salwinder Singh | Fired upon Jagjit Singh, who suffered complete blindness as a result of the firearm injuries. Granted Regular Bail after custody of 9 months and on the condition that he would pay Rs.2 lakh to the victim. |

*From the above charts, it is apparent that accused from both the sides, who had fired and had been attributed firearm injuries, have been granted anticipatory bail/regular bail.*

- (vi) In the FIR, no specific injury has been attributed to the present petitioner and even in the statement of Salwinder Singh recorded after 3 days of the occurrence, no injury with respect to the deceased has been attributed to the petitioner;*
- (vii) In the statement of Salwinder Singh, the petitioner, alongwith 3 more persons has been jointly attributed injuries with respect to Salwinder Singh, Kulwinder Singh and Shubh with 12 bore gun;*
- (viii) No recovery of any weapon has been effected from the present petitioner;*
- (ix) As per the challan (page 48 of the paperbook), the petitioner has been alleged to have used a licensed 32 bore pistol belonging to Surjit Singh. Thus, there is a contradiction with respect to the weapon allegedly used by the petitioner.*
- (x) 5 persons have been injured from the side of the petitioner including the petitioner himself. Reference in this regard may be made to the medical reports/opinion annexed as Annexure P-3 to Annexure P-7. Annexure P-3 is the medico legal case summary with respect to Jagjit Singh, belonging to the party of the petitioner, issued by the PGI, Chandigarh in which it has been stated that on account of the firearm-pellet injuries, he has suffered a complete loss of vision. Annexure P-4 is the medico legal case summary with respect to Paramjit Singh, belonging to the party of the petitioner, issued by PGI Chandigarh, indicating that he had received a grievous firearm injury on the left eye. Annexure P-5 is the MLR with respect to Surjit Singh, who also belongs to the party of the*

*petitioner, and who had received 5 injuries out of which 2 were firearm injuries. Annexure P-6 is the MLR with respect to the present petitioner who had received two injuries, one of which was a lacerated wound on the left parietal region of skull and the same was stated to be muscle deep with fresh bleeding present. Annexure P-7 is the MLR with respect to Baljit Singh, who belongs to the party of the petitioner and had suffered two firearm injuries and the said Baljit Singh belongs to Majbi Sikh as is apparent from the said MLR.*

*(xi) A coordinate Bench of this Court in the detailed order dated 23.02.2022 passed in CRM-M-3006/2022, (Page-61) had noticed the order passed in the case of co-accused Paramjit Singh, in which one of the argument of the Ld. Counsel for the petitioner therein, which had been noticed (page-65) was to the effect that when two parties come across each other and have a free fight and as a result of that, injuries are suffered by both the sides, then the participants would be responsible for their individual act and the Coordinate Bench had thereafter granted anticipatory bail to the said Paramjit Singh, which order was upheld by Hon'ble Supreme Court in SLP (Criminal) No.1387/2022.*

*(xii) The allegations under Section 3(1)(r) of the Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have not been levelled against the present petitioner and have been levelled only against Bhupinder Kaur, who has already been exonerated by the investigating agency and some persons of the petitioner's party including Baljit Singh are also members of a scheduled caste (Annexure P-7) and there is no allegation made in the statement of Salwinder Singh or in the FIR to the effect that the petitioner or any of the other co-accused was aware of the fact that the complainant Salwinder Singh or any person belonging the party of Dhara Singh belonged to a scheduled caste. At any rate, the allegation under the SC/ST Act has been levelled only against Bhupinder Kaur as has been noticed by the Coordinate Bench in the order dated 23.02.2022 (page-64) and the said order has been upheld by the Hon'ble Supreme Court.*

*(xiii) The petitioner has been in custody since 08.07.2021 and the challan has already been presented and there are as many as 40 prosecution witnesses, out of whom none have been examined and thus, the trial is likely to take time.*

*(xiv) The petitioner is not involved in any other case."*

*Notice of motion for 06.09.2022.*

*In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his 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 and complainant would be at liberty to produce on record all the relevant documents on the next date of hearing in order to show that the petitioner is not entitled for grant of anticipatory bail.*

*To be heard alongwith CRM-M-8510-2022.*

**09.08.2022**  
*Pawan ”*

**(VIKAS BAHL)**  
**JUDGE**

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Raj Kumar has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 09.08.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 09.08.2022 is made absolute.

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 petition.

Pending applications, if any, stands disposed of in view of the above said order.

**(VIKAS BAHL)**  
**JUDGE**

**September 06, 2022**  
*Amandeep*

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No