

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I) **CRM-M-52949-2021 (O&M)**
Date of Decision:- 28.4.2022

Gurpreet Singh @ Gagandeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

(II) **CRM-M-49695-2021 (O&M)**

Gurjant Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tarun Jhatta, Advocate, for the petitioner(s).

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Kulwant Singh.

Mr. Chandan Singh, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Gurpreet Singh @ Gagandeep Singh and Gurjant Singh, seek grant of anticipatory bail in a case registered vide FIR

No. 47 dated 1.6.2020 at Police Station Zira, District Ferozepur under Sections 307, 323, 506, 285, 148, 149 of Indian Penal Code and Sections 25 and 27 of Arms Act.

2. At the time of issuance of notice of motion in CRM-M-52949-2021 on 17.12.2021 a detailed order noticing the injuries sustained by the persons on the petitioners' side was passed which reads as follows:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.47 dated 1.6.2020 at Police Station Zira, District Ferozepur under Sections 307, 323, 506, 285, 148, 149 of Indian Penal Code and Sections 25 and 27 of Arms Act.

Notice of motion for 20.4.2022.

At this stage, Mr. Baltej Singh Sidhu, Senior Advocate with Mr. Chandan Singh, Advocate representing the complainant has submitted that the petitioner is the main accused having fired at the complainant, which resulted in two injuries on leg of the complainant. Learned counsel for the complainant has referred to the MLR of the complainant, which does indicate that two lacerated wounds were found on the right leg of the complainant. Learned counsel for the complainant has submitted that, in these circumstances, the petitioner does not deserve the concession of interim bail.

I have considered the aforesaid submissions.

It is a case of cross-versions, wherein 2 persons from the side of the accused also sustained injuries namely Inderjeet Kaur and Gagandeep Singh. The

MLR in respect of Inderjeet Kaur has been annexed as Annexure P-6, a perusal of which would indicate that she has sustained an incised wound on her head, which reads as follows:

Sr. No.	Injuries	Marked	Injury Number
1.	Incised wound 9.8 CM X 1 CM Irregular in shape obliquely placed over right side of head, inner end 4.5 CM from midline and outer end 9 CM from top most point of right present underlying bone is cut	Yes	1

The other injured is Gagandeep Singh, whose MLR has been placed on record as Annexure P-8 and a perusal of which would indicate that he has sustained as many as 4 injuries, which read as follows:

Sr. No.	Injuries	Marked	Injury Number
1.	Incised wound 7.2 CM X 0.6 CM obliquely placed over front of left hand palmar aspect extending over to interdigital space of second and third finger back end 8.2 CM from wrist margins are clean cut fresh bleeding present.	Yes	1
2.	Reddish Bruise 5 CM X 4 CM irregular in shape present over back of forearm, 6 CM from wrist associated diffused swelling and tenderness present.	Yes	1
3.	Reddish Bruise 13 CM X 4 CM irregular in shape present over back of left side of chest, 10 CM from left shoulder blade tenderness present.	Yes	1
4.	Lacerated wound 2 CM X 0.2 CM obliquely placed over outer aspect of left thigh 14 CM from knee margins are irregular fresh bleeding present corresponding tear present on	Yes	1

	magenta colored pants.		
--	------------------------	--	--

Bearing in mind the aforesaid injuries on the side of the accused party, it will be debatable as to which of the party is the aggressor.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-49695-2021.”

3. Even in the another case i.e. CRM-M-49695-2021, this Court while issuing notice of motion ordered for grant of interim bail to the petitioner while directing him to join investigation vide order dated 26.11.2021.
4. Learned State counsel, upon instructions from ASI Kulwant Singh, has informed that pursuant to interim directions issued by this Court, both the petitioners have joined investigation. It has however, been informed that the petitioners have not got the pistol in question recovered.
5. I have considered rival submissions addressed before this Court.
6. It is a case of cross-version as has already been noticed in the detailed order passed by this Court. Though, the State counsel has pointed

out that the pistol in question has not been recovered, but the petitioners cannot be forced to get any such weapon of offence recovered as they would always be well within their rights to take a stand that no such weapon had ever been used.

7. Having regard to the aforestated factual position particularly the fact that it is a case of cross-version where several injuries were sustained by persons on the side of the petitioners, it will be debatable as to which of the party is the aggressor. The petitions, as such, are accepted and the interim directions issued by this Court vide order dated 17.12.2021 and 26.11.2021 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
8. A photocopy of this order be placed on the file of each connected case.

28.4.2022

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No