

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54583-2021 (O&M)

Date of decision: 24.05.2022

Salwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. P.S. Ahluwalia, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in cross-version/DDR No.27 dated 22.05.2021 under Sections 307, 323, 324, 148, 149 IPC and Sections 25/27 of Arms Act, registered in FIR No.58 dated 17.05.2021 under Sections 307, 323, 324, 148, 149 IPC (Sections 302 & 326 IPC were added later on), Sections 25/27/54/59 of Arms Act and Section 3(1)(r) of SC&ST Act (added later on), registered at Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Nirmal Singh, on receiving an

information from the control room that there is a land dispute in Village Cheema Kalan between Dhara Singh's party, who is trying to plough the land and Charan Singh's party, who is trying to stop ploughing the land and a mutual fight took place, in which bullets were fired from both the sides. On receiving the information, he along with co-officials reached the village and found that Dhara Singh, his sons Salwinder Singh, Jugraj Singh, Angrej Singh along with 25-30 unknown persons, armed with guns, pistols, swords and other sharp-edged weapons were present and Rashpal Singh was ploughing the land with his tractor. Charan Singh along with his sons Surjit Singh, Ranjit Singh, his brother Dilbagh Singh, Gandhi Singh, Sarwan Singh, Dharam Singh, Jagjit Singh and Paramjit Singh and 10-12 unknown persons armed with .12 bore pistol, sword and sharp-edged weapons were mutually fighting regarding ploughing or stopping the ploughing of the land and were firing bullets on each other. On seeing the police party, all these persons fled away from the spot. Persons from both the sides suffered bullets and sharp-edged weapons injuries and their relatives took them to different hospitals. In presence of Dhara Singh, petitioner Salwinder Singh and Kulwinder Singh, who were having injury marks and from the second party Surjit Singh, Sarwan Singh, Jagjit Singh, Paramjit Singh and Baljit Singh were also having injury mark and blood was oozing out, were taken to the hospital. When he reached the hospital to record the statement, the doctor opined that Dhara Singh's party is unfit to make statement and no MLR of the second party was received and FIR under Sections 307, 323, 324, 148, 149 IPC and Sections 25 and 27 of the Arms Act was registered.

Learned counsel further submits that on 22.5.2021, cross-version was registered on the statement of Surjit Singh vide GD No.27 against Dhara Singh's party. In the cross-version, details of the injuries sustained by Surjit Singh and others were recorded. Later on, Dhara Singh died and Section 302 IPC was added. It is also submitted that in fact, in the incident, father of the petitioner namely Dhara Singh died due to gun shot injuries and even the petitioner has suffered multiple injuries i.e. a punctured wound on right side of his cheek, amputation of tip of right hand thumb and a punctured wound on left forearm. It is next submitted that the petitioner has undergone post-operative plastic surgery, as he has suffered deformity of his face.

Learned counsel has also submitted that investigation is complete and since it is a case of free fight, it is to be seen during the trial, which party was aggressor and which party acted in self-defence; the petitioner is in custody since 28.08.2021; he is not required for further custodial interrogation; challan stands presented and it will take some time in conclusion of the trial.

Learned State counsel, assisted by learned counsel for the complainant, has, however, submitted that as per allegations, the petitioner fired upon on one of the injured person Jagjit Singh, who suffered loss of his both eyes and has become 100% blind.

In reply, learned counsel for the petitioner has submitted that the petitioner is ready to pay Rs.2.00 lacs to victim Jagjit Singh towards medical expenses, without prejudice to his right of defence. It is further submitted that similarly situated co-accused of the petitioner have already been granted the concession of anticipatory bail by this Court.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody since 28.08.2021; challan stands presented and from his side, his father Dhara Singh died and he himself suffered multiple injuries and also in view of the fact that the petitioner has volunteered to pay Rs.2.00 lacs to the victim towards medical expenses, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

This will, however, be subject that while furnishing bail/surety bonds, the petitioner will produce a demand draft of Rs.2.00 lacs favouring victim Jagjit Singh before the trial Court, which will be handed over to the victim.

[ARVIND SINGH SANGWAN]
JUDGE

24.05.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No