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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-17809-2022 in/and
CRM-M-40-2022 (O&M)
Date of Decision:30.05.2022

Mandeep Singh

.. Applicant/Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Suvir Sidhu, Advocate and
Mr. Ashutosh Gupta, Advocate for applicant-petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-17809-2022

The instant application is for pre-poning the date of hearing of
the main petition to an early date.

Notice in the application.

At this stage, Mr. Sandeep Singh Deol, DAG, Punjab, accepts
notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to
today.

CRM-M-40-2022 (O&M)

Petitioner has prayed for grant of regular bail under Section 439
Cr.P.C, pending trial in case FIR No.233 dated 07.08.2021 registered under
Sections 307, 325, 323, 148 and 149 IPC and Section 25 and 27 Arms Act,
1959 IPC at Police Station Sadar Mansa, District Mansa. The petitioner is in

custody since his arrest on 16.08.2021.

The FIR was registered on the statement of Jaswinder Singh and the allegations as noticed by the Id. Addl. Sessions Judge, Mansa in the order dated 09.12.2021 are as under:

“The present FIR has been lodged on the basis of statement given by Jaswinder Singh son of Ajaib Singh resident of Khiala Khurd in which he stated that his father has four brothers namely Nirbhey Singh, Naib Singh, Ajaib Singh and Harbans Singh. They are having a joint land measuring 12 acres at Atari Wala field. His uncle Naib Singh used to give his land on lease basis and remaining land was being cultivated by them. There are two tube-wells, one of Rajinder Singh is of Khokharwala Naib Singh. The water of aforesaid tube-well/motor was used by Mandeep Singh alias Gaggi son of Nirbhey Singh. On 06.08.2021, his uncle Harbans Singh irrigated his fields from the water taken from motor of Namdhari. Thereafter, they started irrigating their land from motor of Namdhari. In the meantime, Mandeep Singh alias Gagi armed with gandasa, Gurjit Singh armed with licensed revolver, and Nirbhey Singh armed with Barchha (spear) came at the spot. There were 8/9 unknown persons with them. It was at about 5.00 am. His father Ajaib Singh and uncle Naib Singh were already present in the fields. His uncle Nirbhey Singh raised lalkara to teach them a lesson for using the water from the motor of Namdhari. Gurjit Singh Gurjit Singh alias Kala fired a shot from his revolver indiscriminating with intention to kill them. The shot of the revolver landed at the stomach left arm of Ajaib Singh and due to this, he fell down on the ground. Thereafter, Gurjit Singh again fired revolver shot pointed towards the complainant which inflicted in the left leg. Thereafter, Mandeep Singh alias Gaggi gave gandasa blow on the person of complainant which landed on the head of the complainant. Nirbhey Singh gave Barchha (spear) blow on the right arm of the complainant. They raised alarm of ‘Marta Marta’. In the meantime, Naib Singh and other persons came to rescue them. Then Mandeep Singh alias Gaggi inflicted a gandasa blow on his uncle Naib Singh and to ward off the aforesaid blow, Naib Singh raised his left hand which landed on the fingers of his left hand. Naib Singh fell down on the ground. Nirbhey Sigh gave refer side of Barchha (spear) on his back and thereafter, accused persons fled away from the spot. Applicant/accused was arrested on 16.08.2021.”

Learned counsel has argued that accused Nirbhey Singh and

injured Ajaib Singh are real brothers and petitioner (Mandeep Singh) and

complainant Jaswinder Singh being their respective sons are first cousins. He submits that as per allegations, the dispute between the relatives relates to the irrigation of their joint holding and in the alleged occurrence, both sides have suffered injuries. He has argued that the FIR was lodged by complainant Jaswinder Singh and as per allegations, he along with his uncle Naib Singh and his father Ajaib Singh suffered grievous injuries including firearm injuries caused by accused Gurjeet Singh to the complainant and his father Ajaib Singh. He has drawn the attention of the Court to the MLR dated 06.08.2021 (Annexure P-3) and submitted that the petitioner also suffered injuries in the said occurrence and a cross case was registered through DDR No.47 dated 18.08.2021. He submits that the injury inviting the offence punishable under Section 307 IPC is attributed to his co-accused, therefore, the petitioner be released on bail.

Learned State counsel assisted by HC Harjinder Singh, has argued that the petitioner along with his father and brother caused injuries to complainant, his father and uncle, however it is not disputed that the firearm injury suffered by the injured are attributed to his co-accused. He, on instructions, does not dispute this fact that in the said occurrence, the petitioner also suffered injury and a cross is recorded through DDR No.047 dated 18.08.2021. According to him, charges have been framed on 17.14.2021, but no prosecution witness has been examined so far.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as no prosecution witness has been examined so far, therefore, further detention of the petitioner may not serve any useful

purpose, who is presently confined in judicial custody after his arrest.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

30.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No