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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10844-2023 (O & M)
Date of decision: 11.10.2023

Rajinder Singh @ Raja

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.P.S. Khaira, Advocate, for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

Mr. Veneet Sharma, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.157 dated 12.06.2021 under Sections 307, 34 IPC and Sections 25/27/54/59 (Section 30 added later on) of the Arms Act registered at Police Station Beas, District Amritsar, Punjab.

2. The FIR in question was lodged at the instance of Lakhwinder Singh, wherein it is alleged that he has two sons namely Wassan Singh and Gurjit Singh and also two daughters. It is alleged that the complainant had purchased land measuring 9 kanals 6 marlas from his brother Gurdip Singh in November, 2020, which somehow was being cultivated by another of their brother, namely, Manjit Singh on contract basis and who was not willing to give possession of the said land. It is alleged that on 12.06.2021

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(boundary made for demarcating fields with the help of raised soil), then Manjit Singh, his son Rajinder Singh (petitioner) and Manjit Singh's wife Lakhwinder Kaur came there. Rajinder Singh is alleged to have fired at the complainant's younger son Gurjit Singh from a 12 bore rifle, which belonged to his father. It is further alleged that during the said time Manjit Singh and Lakhwinder Kaur were raising a '*Lalkara*' while stating that they would teach a lesson to Gurjit Singh for ploughing their land. It has further been alleged that the pellets of the gunshot fired by Rajinder Singh hit on the chest, abdomen, head and arm of Gurjit Singh. When the complainant raised an alarm, the accused ran away from the spot.

3. The learned counsel for the petitioner contends that the present case is one of version and cross-version. The complainant party wanted to take the possession of the land under the possession and cultivation of the father of the petitioner rather than taking the possession of land which had had bought from Gurdeep Singh. The mother of the petitioner had received gunshot injuries as was evident from the ballistic report dated 29.10.2021. A cross-case bearing DDR No.16 dated 15.06.2021 under Sections 307, 336, 323, 148, 149 IPC and Section 25, 27 of the Arms Act had been registered against the present complainant party. The father of the petitioner, namely, Manjit Singh had been granted the concession of regular bail by this Court vide order dated 21.09.2021 (Annexure P-3). As the petitioner was in custody since 10.11.2022 and none of the 19 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon. Therefore, the petitioner was entitled to the concession of bail.

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4. The learned counsel for the State had filed a reply dated 22.05.2023 by way of an affidavit of Harkrishan Singh, PPS, Deputy Superintendent of Police, Sub Division Baba Bakala Sahib, District Amritsar (Rural). While referring to the said reply, the learned counsel for the State alongwith the learned counsel for the complainant contend that the petitioner is specifically named in the FIR and a specific role of having fired at the injured-Gurjit Singh has been attributed to the petitioner. The said Gurjit Singh had received multiple gunshot injuries. The cross-case bearing DDR No.16 dated 15.06.2021 (Annexure P-2) had already been cancelled. Based on the opinion of the Doctors, the injury No.1 on the person of Sandeep Kaur, mother of the petitioner, appears to be doubtful and that injury No.2 could have been suffered by a friendly hand. They, therefore, contend that the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. They, however, concede that the petitioner is in custody since 10.11.2022 and none of the 19 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, as per the case of the prosecution, the petitioner is the main accused having fired upon Gurjit Singh. However, it is equally true that the mother of the petitioner has received gun-shot injuries, though, as on date, the said injuries have been found to be doubtful and the cross case stands cancelled. Be that as it may, the plea of self-defence, if any, shall be adjudicated during the course of trial. The petitioner is stated to be in custody since 10.11.2022 and none of the 19 prosecution witnesses had been examined so far. Therefore, the trial of the present case is not likely to be

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concluded anytime soon. Further, he does not seem to have any criminal antecedents. In this situation, his further incarceration is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Rajinder Singh @ Raja is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

11. If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

12. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

13. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 11, 2023
sukhpreet

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