

CRM-M-18713-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 18.07.2023

Gagandeep Singh and another

....Petitioners

V/s

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Aminder Singh, Advocate for the petitioners.

Mr. Dhruv Dayal, Addl.A.G., Punjab.

ARUN MONGA, J. (Oral)

During the course of hearing status report dated 17.07.2023 has been tendered, which is taken on record.

2. Petitioners seek anticipatory bail in criminal case bearing DDR No.41 dated 13.03.2023 in FIR No.245 dated 11.11.2022, registered under Sections 307, 341, 323, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25 and 27 of the Arms Act, at Police Station City Sangrur, District Sangrur.

3. According to the First Information Report (FIR), on 11.11.2022, after closing their shop, complainant Gagandeep Singh (petitioner No.1 herein) along with his father (petitioner No.2), who runs the business of sweets shop in the name of Saini Sweets, were on way their house on a motorcycle. At about 9:10 p.m., one car stopped after crossing their motorcycle and driver (Siddharth Singh, his neighbour) of the said car came out armed with baseball bat and gave blow at the right elbow of petitioner No.1. However, to rescue himself, petitioner No.1 stepped backwards. Even the mother of petitioner No.1, namely, Manjit Kaur along with their neighbour Jagtar Singh also came to the scene of occurrence. Accused Siddharth Singh fired 4/5 shots with his revolver towards

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them, but in process fell on the bricks and when one gun shot hit Manjit Kaur on her lower left leg and she collapsed down on the ground.

3.1. Accused Siddharth Singh vide order dated 25.01.2023 was denied the concession of anticipatory bail by learned lower Court but he was granted the concession of anticipatory bail vide order dated 28.03.2023 by this Court. In his bail petition, he pleaded that he was also attacked by the complainant/petitioner side with iron rods and bricks and was also beaten mercilessly which resulted in causing grievous injuries to him also. In fact, mother of petitioner No.1 suffered injuries on account of snatching of his licensed pistol by petitioner No.2-Jagtar Singh and during that scuffle, one shot was fired. As a result thereof, instant DDR No.41 was registered on the allegations made by Siddharth Singh.

4. Learned counsel for petitioners submits that instant DDR is based totally on a concocted story and a counter blast to the FIR. He further submits that while incident was recorded in the CCTV cameras of the vicinity, wherein it is clearly visible that accused Siddharth (complainant in DDR) was drunk and went to his home with no one following him and then returned and started shooting from his pistol on petitioners' family. Antecedents of petitioners are clean as they are not involved in any other case.

5. On the other hand, learned State counsel, on instructions from HC Sandip Singh, opposes the petition and submits that petitioners have committed serious offence. Even per status-report filed by the State, the injury suffered by Siddharth Singh has been declared as dangerous to life. Therefore, custodial interrogation of petitioners is required to unearth the whole incident and to conclude fair and meaningful investigation.

6. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

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7. Without going into the merits of the case, it is pertinent to mention here that when petitioners were earlier heard on 30.05.2023, learned counsel for petitioners contended that accused Siddharth Singh had already been accorded the concession of interim anticipatory bail by a coordinate Bench vide order dated 28.03.2023 passed in CRM-M-6603-2023 and the matter had been compromised between the parties.

8. During the course of hearing today, on a Court query, learned counsel for petitioners informs that aforesaid interim anticipatory bail granted to said Siddharth Singh has been made absolute. On merits, though, learned counsel for the petitioners submits that petitioners themselves are the victims of the brawl that took place between two groups, but yet are being projected as the accused. He thus argues that it is a case of version and cross-version with allegations and counter allegations on both sides having indulged in assaulting each other physically by giving iron rod blows on persons of either sides.

9. Be that as it may, the aforesaid averments of learned counsel for petitioners cannot be gone into at this stage which is a matter of trial. Suffice at this stage, complainant in DDR case has since been accorded the benefit of stay of arrest, on the ground of parity, particularly in view of the compromise arrived at between the parties, same reflects that since the complainant himself has decided not to press the charges against the petitioners and in view thereof, trial is likely to result in acquittal of the petitioners.

10. Accordingly, present petition is allowed. In the event of arrest, petitioners are ordered to be released on anticipatory bail, in the present case, on their furnishing bonds to the satisfaction of Arresting/Investigating Agency. However, petitioners 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.

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11. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.
12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 18, 2023
Ajay

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