

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-28974-2023 (O&M)
DECIDED ON: 14.07.2023**

SUKHDEV SINGH @ CHHIRA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sunny Saggar, Advocate
for the petitioner.

Mr. Karan Puggal, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.131, dated 10.12.2021, under Sections 307, 148, 149, 379, 120-B of IPC, 1860 and Sections 25 & 27 of Arms Act, 1959, registered at Police Station Bhikhiwind, District Tarn Taran, Punjab (Annexure P-1).

The contents of FIR read as under:-

“Statement of Gurjant Singh son of Balwant Singh resident of Patti Nangal Ki, Sursingh, aged about 32 years, Mobile No.70783-89046 Stated that I am the resident of abovesaid address and do service in the Dera of Baba Avtar Singh Sursingh Wala. Baba Avtar Singh is the from the sect of Bidhi Chand Dal and the Sewadars have donated land in the name of Dera of Baba Ji at different places. That this land is being looked after the head of the Dera. As such, there is about 6 Kilas of land at the name of Gurdwara Shimla Sahib at Sur Singh where we 5/7 Singhs have kept their residence at the Dera and also kept horses and the land is being looked after and our Head is Baba Avtar Singh. Today on 9.12.2021 at about 1.30 noon, I and Manohar Singh son of Balwant Singh, Onkar Singh son of

Balkar Singh, Angrez Singh son of Balwinder Singh residents of Sursingh and Sukhdev Singh son of Shingara Singh, Malkit Singh @ Sonu son of Raju and Jagmohan Singh son of Harbhajan Singh residents of Sursingh were present at Gurdwara Shimla Sahib and Karam Singh, Sewardar Baba Avtar Singh Sursingh came to us alongwith the tractor and started plowing and sowing the wheat crop in the land of our Dera. In the meanwhile 3-4 vehicles, one Scorpio Vehicle of Green Colour, One. Balereo Camper, One Mohindra Vehicle and one another vehicle came in which there were about 30/35 persons alongwith arms, came down from the vehicles and Baba Gurbachan Singh son of Baba Daya Singh carrying Spring Field Rifle in his hand and Narbir Singh son of Sarnagat Singh resident of Sursingh carrying 12 Bore Rifle in his hand were leading alongwith Maninder Singh son of Mewa Singh resident of Puhla carrying 12 Bore Rifle, Mukhwinder Singh son of Gurbachan Singh resident of Sursingh carrying 12 Bore Rifle, Gurpreet Singh @Gopi son of Hardev Singh carrying 12 Bore Rifle, Mehtab Singh @ Pinda son of Satnam Singh carrying 12 Bore Rifle, Gurwinder Singh son of Daya Singh carrying 12 Bore Rifle, Gurmukh Singh son of Subegh Singh resident of Sursingh carrying 12 Bore Rifle, Sukhdev Singh @ Chira son of Gurdial Siongh carrying 12 Bore Rifle and Kuldeep Singh son of Santokh Singh resident of Village Seham and Baba Gurbachan Singh raised Lalkara that they will not leave and be killed and I will face the consequences and also fired from Spring Field Rifle with the intention to kill me which hit on my left leg near the knee and I fell on the ground and Narbir Singh fired from his 12 Bore Rifle with the intention to kill, which hit Angrez Singh and Sukdev Singh fired towards us from his 12 Bore Rifle which hit Sukhdev Singh, Gurpreet Singh also fired from his 12 Bore Rifle which hit Onkar Singh. Another fire was done by Narbir Singh which hit Onkar Singh. Sukhwinder Singh fired towards us from his 12 Bore Rifle which hit Manohar Singh. Gurmukh Singh fired from his 12 Bore Rifle which also hit Manohar Singh. That Manidhar Singh fired from the intention to kill me injured me by

filing and they ran away alongwith our wheat bags and the fertilizers bags forcibly. Therefore, action be taken against the above-said person.”

2. Learned counsel for the petitioner vehemently contends that the co-accused persons namely Baba Gurbachan Singh and Gurbachan Singh have been granted the concession of anticipatory bail vide order dated 04.08.2022 (Annexure P-8) passed in CRM-M-9768-2022 and CRM-M-32091-2022 respectively by this Court and other co-accused Mankirat Singh has also been granted the concession of anticipatory bail vide order dated 02.05.2023 (Annexure P-9) passed in CRM-M-2875-2023 by this Court and this is the only ground on which the instant petition has been preferred seeking the relief prayed therein.

3. On the other hand on a query put to the State counsel on instructions from ASI Gurmeet Singh, it has been pointed out that total 7 injuries are there on the body of the injured-complainant and the fire arm shot given by the petitioner hit the injured just near the left eye, which could have been fatal and categorically invited Section 307 IPC. As far as the question of parity is concerned with Baba Gurbachan Singh, the shot fired by him was hit on the left knee, as has been recorded in the order, while granting him anticipatory bail vide order dated 04.08.2022.

4. Mr. Vikas Gupta, Advocate has put in appearance on behalf of complainant, who asserts while opposing the grant of anticipatory bail to the petitioner that earlier the petitioner was exonerated in the inquiry by the police, but has been later on nominated as an accused under Section 120-B as well on the statement of Mankirat Singh and one another.

5. Looking into the totality of facts that the petitioner be the one, who has given shot with fire arm on a vital part i.e., just on the left eye, which categorically

subsequently during the course of investigation, after recording statement of co-accused , the petitioner does not deserve the concession of anticipatory bail at this stage, looking into the gravity of offence and manner, in which the commissioning has taken place.

6. Petition stands dismissed being devoid of merits.

14.07.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>