

CRM-M-36779-2023

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(221)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36779-2023

Date of Decision: 01.09.2023

SUKHPAL SINGH ALIAS GANJI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in cross-case registered vide DRR No.27 dated 22.05.2021 (Annexure P-17) under Sections 307, 323, 324, 148, 149 IPC, 1860 and Sections 25, 27 of Arms Act, 1959 in case bearing FIR No.58 dated 17.05.2021 (Annexure P-14) registered under Sections 307, 323, 324, 148, 149 IPC, 1860 and Sections 25, 27 of Arms Act, 1959 (offences under Sections 302, 326, 427 IPC, 1860 and Section 3(1) (R) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) at Police Station Sadar Patti, District Tarn Taran.

2. The present case came to be registered on the basis of a Ruqa sent by SI Nirmal Singh wherein it was alleged that a mutual fight had taken place between two parties i.e. Dhara Singh and Charanjit Singh. It was alleged that both the sides had attacked each and other and had received

injuries in the occurrence. The relevant translated version of the FIR is reproduced hereinbelow:-

“SHO P.S. Sadar Patti, Jai Hind, Yesterday, on 16.05.2021 at around 05:30 p.m., I/SI along with ASI Baldev Singh 1809, ASI Jinder Singh 904, HC Baldev Singh 479, CT Navkarandeep Singh 753, PHG Dalbir Singh 4033, PHG Jaswinder Singh 4078 on official vehicle No. PB 46 W 1812 being driven by driver HC Harbhajan Singh 197 were present at Chowk Chuslewad in the P.S. jurisdiction in connection with gashat when I had received information through Control Room that there is land dispute in Village Cheema Kalan between Dhara Singh S/o Tarlok Singh and Charan Singh S/o Dayal Singh party. Dhara Singh S/o Tarlok Singh's party is trying to plough the land and Charan Singh's party is trying to stop ploughing and a mutual fight is taking place between both of these parties and bullets are being fired from both sides. On receiving this information, I/SI along with colleagues had reached Village Cheema Kalan where Dhara Singh S/o Tarlok Singh and his sons Salwinder Singh, Jugraj Singh, Angrej Singh and other 25-30 unknown persons who were armed with guns, pistols, swords and other sharp-edged weapons and Rashpal Singh S/o Pritam Singh Jatt R/o Cheema Kalan were ploughing the land with his tractor Mahindra color red and the second party Charan Singh S/o Dayal Singh and along with them his sons Surjit Singh, Ranjit Singh and Charan Singh's brother Dilbagh Singh, Gandhi Singh, Sarwan Singh, Dharam Singh, Jagjit Singh, Paramjit Singh and other 10-12 unknown persons who were armed with 12 bore guns, pistols, swords and sharp-edged weapons, who were mutually fighting regarding ploughing the land and stopping from ploughing the land and bullets were being fired on each other. When the police party had reached the spot

then the persons of both of these parties along with their respective weapons had sped away from the spot. The persons of both parties have got injured due to being hit with bullets and for incurring injuries with sharp-edged weapons, whom, their relatives had arranged for the conveyances and had taken them to different hospitals for treatment. In front of me Dhara Singh, Salwinder Singh residents of Cheema Kalan and Kulwinder Singh S/o Harbhajan Singh R/o Fatehgarh Sabhra were having injury marks and blood was oozing out and the second party's Surjit Singh, Sarwan Singh, Jagjit Singh, Paramjit Singh and Baljit Singh had injury marks and blood was oozing out. Today, on 17.05.2021, I/SI along with ASI Darshan Singh 1522, ASI Baldev Singh 1809, HC Baldev Singh 479, CT Gurpreet Singh 1544, PHG Dalbir Singh 4033 had reached Amandeep Hospital, Amritsar for taking down the statement of injured Dhara Singh, Salwinder Singh and Kulwinder Singh, where three written applications were given to the doctor for taking his opinion about their being fit or unfit for giving statement wherein the doctor had written about all the aforesaid three injured to be unfit for giving statement. The injured did not had any relative present near them. No MLRs in respect of the injured of the second party have been received yet. Both of them, Dhara Singh party and Charan Singh party had fired direct bullets on each other with the intention to kill each other with regard to the land dispute and had attacked on persons of each other's party with sharp-edged weapons and daangs, sotis and have caused injuries, due to which they have committed an offence U/S 307,324,323,148,149 IPC 25, 27, 54. 59 Arms Act. Hence this writing is sent by hand through PHG Dalbir Singh 4033 to the P.S. Sadar Patti for getting registered a case against all the aforesaid persons. After registering the case the file number may be intimated. Special Reports may be issued and sent to

the senior officers. The Control Room may be informed. Sh. Harinder Singh, INSP/SHO was apprized with all these circumstances. On receipt of MLRS of both the parties, the statements of the injured will be obtained. I/SI along with colleagues proceed towards the scene of crime for further investigation. Sd/- Nirmal Singh, S.I., P.S. Sadar Patti 17.05.2021. At Chowk Chuslewad Time: 03:25 p.m. Today at Police Station: At present on receipt of aforesaid writing at the Police Station the aforesaid case for the above mentioned offence was registered and the original writing along with copy of the FIR is sent by hand through the PHG to the Sion the spot for further investigation. The Control Room is being informed through email. Special Reports, after being issued, are being sent by hand through ASI Nirmal Singh 709/TT to the senior officers.

Takmeel Report No. 29 Time: 04:35 p.m. Date 17.05.2021.”

3. As many as 16 persons were nominated as accused by name from both sides. Pursuant to the registration of the FIR, two versions came to be recorded by the Investigating Agency. One version came to be recorded on the basis of the statement made by Salwinder Singh son of Dhara Singh, two days after the registration of the FIR and the same is reproduced hereinbelow:-

“Statement of Salwinder Singh S/o Dhara Singh S/o Tarlok Singh Cheema Kalan, P.S. Sadar Patti, District Tarn Taran, age around 36 years. Stated that I am resident of the above mentioned address and do labour work and we had bought from our village's Maninder Raj Singh S/o Hardeep Singh R/o Cheema Kalan around 04 killa 1 kanal 15 marla land and on 16.05.2021 at around 5/5:30, I, my father Dhara Singh S/o Tarlok Singh, my brother Angrej Singh, Jugraj Singh and our relative Kulwinder Singh S/o Harbhajan Singh R/o

FatehgarhSabhra, Shubh R/o Bhikhiwind and 2/4 other relatives were sowing makki crop in our land, when in the meantime, while exhorting, Sukhraj Singh S/o Dilbagh Singh, Patel Singh S/o Swaran Singh alias Gandhi, Surjit Singh S/o Charan Singh, Sarwan Singh S/o Dayal Singh, Dharam Singh S/o Dayal Singh, Charan Singh S/o Dayal Singh, Dilbagh Singh S/o Dayal Singh, on seeing us, had started firing in the air with their respective weapons and in the meantime only Paramjit Singh S/o Dharam Singh and Jagjit Singh S/o Karam Singh all residents of Cheema Kalan had also came there taking along their respective weapons. My father had stopped them from coming ahead. On which Sukhraj Singh had attacked with his hand-held pistol on my father Dhara Singh which had hit him on the bicep of his left arm and in the stomach. In the meantime, Surjit Singh had fired twice with his hand held 12 bore gun towards my father with the intention to kill him which had hit him in his stomach and he had fell down on the land. For saving him, I and my brother Angrej Singh had came forward, on which Sarwan Singh S/o Dayal Singh, Dharam Singh S/o Dayal Singh, Charan Singh S/o Dayal Singh and Dilbagh Singh S/o Dayal Singh had fired with their respective weapons on me and my relative Kulwinder Singh and Shubh with the fire of 12 bore. The bullet sprinklers had hit me on the wrist of my left arm and in stomach and in right eye of Kulwinder Singh and the bullet sprinklers had also hit Shubh on his body. We had shouted 'maar ditta...maar ditta', on which the villagers had started gathering there. On seeing people gathering all the aforesaid attackers along with their respective weapons, while threatening and hurling abuses, had sped away from the spot. There is Bhupinder Kaur alias Bholi W/o Kulwant Singh's house near our land only. When we were ploughing the land then Bhupinder Kaur had exhorted and said

'kuttechudeyo...main tuhanu eh jameennahinvaahandeni.'
Bhupinder Kaur had only provoked Charan Singh party on
phone that 'tuhadijameenchudeyvaahijaande ne...tuseen aa
keohna nu roko..'' Strict legal action may be taken against
them and justice may be given to us. For being hit with bullets
and due to injuries my father who was admitted in Amandeep
Hospital, Amritsar has died during treatment. I have got
written my statement to you, heard and found to be correct.
SD/- Salwinder Singh".

4. A cross-version came to be recorded on the basis of the statement made by Surjit Singh vide DDR GD No.27 dated 22.05.2021 (Annexure P-17). The same is reproduced hereinbelow:-

“It is registered that one statement of Surjit Singh son of Charan Singh son of Diyal Singh, resident of village Cheema Kalan, Police Station Sadar Patti, District Tarn Taran, aged about 37 years was received in writing from Sh. Kuljinder Singh PPS DSP Patti by hand CT Navkarandeep Singh 753 and which is as under, it is registered that I am resident of above mentioned address and is an agriculturist by profession. We have purchased 27 Kanal 4 Marlas of land from Maninderraj Singh son of Hardeep Singh or our village in which we have sown the wheat crop. Dhara Singh son of Tarlok Singh has also purchased the same above said land from the joint khata from Maninderraj Singh. On 16.05.2021 I was coming back after leveling the ground of pond of our village and then from the front Dhara Singh son of Tarlok Singh armed with kirpan, his son Salwinder Singh armed with local made pistol, Angrej Singh son of Dhara Singh armed with daang, Jugraj Singh son of Dhara Singh armed with Takua, Gera Singh son of Dhara Singh armed with gandasi, Sukhpal Singh @ Ganji son of Sukhraj Singh armed with local made pistol, Jobanpreet Singh @ Baruni

son of Surjit Singh, Caste Jatt armed with local made pistol, Gera Nai @ Jasbir Singh son of Daljit Singh armed with kirpan all residents of village Cheema Kalan, Suraj Singh son of Lakhwant Singh resident of Harike armed with 12 bore rifle, Kulwinder Singh son of Harbhajan Singh resident of Fatehgarh Sabra armed with 32 bore revolver, Gurbhej Singh @ Teja armed with 12 bore rifle DBBL, Amarbir Singh son of Gurbachan Singh resident village Kaloke armed with 12 bore rifle DBBL, Sukhjinder Kaur wife of Dhara Singh and Sukhdev Kaur wife of Dhara Singh who were having brickbats in their hands and along with them, three brothers-in-laws of Angrej Singh son of Dhara Singh, resident of village Harike, whose name are not known to me and along with them about 20 more unidentified persons who were armed with 12 bore rifles, pistols, kirpans and baseball bates came on Scorpio Cars and one swift car, one Honda Image Car and 5-6 motorcycles and on 2 tractors out of which one was Mahindra 275 and second Farmtrack blue in colour having ploughing machines attached with them and started ploughing our land which we have purchased, forcibly with the tractors and in the meantime from my house my father Charan Singh, my uncles Sarwan Singh, Dilbagh Singh, Dharam Singh sons of Diyal Singh and Paramjit Singh son of Dharam Singh, Jagjit Singh son of Karam Singh and Patel Singh son of Sarwan Singh son of my uncle and stopped Dhara Singh and others from forcibly ploughing our land and then Sukhjinder Kaur daughter of Dhara Singh raised lalkara and stated that we are not afraid of these Jatt peoples and we are having approach to the officers in high command and we will forcibly cultivate this land and in case you can stop us then show us. We were talking to Dhara Singh at that time and then Salwinder Singh suddenly took out 12 bore local made pistol from his

flank and fired gunshots directly with the intention to kill towards us and the pellets hit on both the eyes of Jagjit Singh son of Karam Singh and on his right arm and he fell down. I came forward in order to save him and then Dhara Singh gave kirpan blow upon me which hit on my right hand and in the meantime Kulwinder Singh son of Harbhajan Singh, who was standing nearby fired gunshot from his 32 revolver which hit on my right thigh and I fell down and while I was lying down then Angrej Singh gave daang blow repeatedly upon me which hit on my bicep of left arm and thumb of my left hand and in the meantime Sarwan Singh my uncle came over and Gera Singh son of Dhara Singh gave reverse side gandasi blow upon him which hit on his head and in the meantime Sukhjinder Kaur wife of Dhara Singh thrown brickbats upon Sarwan Singh which hit on his left eye and on his forehead and in the meantime Gurbhej Singh @ Bheja and Suraj Singh son of Lakhwant Singh, resident of Harike fired gunshots from his respective 12 bore rifles towards us and the pellets hit on the forehead of Paramjit Singh son of my uncle and on the parts of his body. Thereafter Sukhpal Singh @ Ganji who was armed with local made pistol, Jugraj Singh son of Dhara Singh after taking pistol from him fired directly gunshots towards us which hit on Baljit Singh son of Gurdiyal Singh on his right thigh who was passing nearby of our village. Jobanpreet Singh @ Baruni and Amarjit Singh son of Gurbachan Singh and Angrej Singh and all three brother-in-law of Angrej Singh and other unidentified persons also fired gunshots with their respective weapons and we raised hue and cry and on hearing our cries, the people started gathering at the spot and on seeing the people gathering at the spot all the accused persons ran away from the spot while firing the gunshots and while giving threatening to us and while

abusing us. My friend Malkeet Singh resident of Patti got me admitted to Civil Hospital Ghariala in injured condition. Since, Paramjit Singh and Jagjit Singh were serious as such they were referred and I and Sarwan Singh and Baljit Singh were discharged on 20.05.2021 by the Doctors. I came to know that regarding this fight the case have been got registered at Police Station Sadar Patti against us and today my relative Balkar Singh Sarpanch, resident of village Rasoolpur have got me surrendered before you. The reason behind the fight is that Dhara Singh party used to cultivate the land purchased by us forcibly and we were stopping them from cultivating our land and all the aforesaid persons in connivance with each other with their respective weapons have fired gunshots directly upon us with the intention to kill us. Thus, the strict legal action may kindly be taken against the above said persons. I have got recorded my statement, which is read over and the same is admitted to be true. Sd/- Surjit Singh 97814-21180 attested by Sd/ Kuljinder Singh Deputy Superintendent of Police Sub Division Patti, date 22.05.2021. Police Action:- Today I, DSP along with Harinder Singh Inspector/SHO was present at Police Station Sadar Patti and SI Nirmal Singh 146, ASI Darshan Singh 1522, HC Baldev Singh 479, HC Salwinder Singh 447, CT Navkarandeep Singh 753, PHG Harwinder Singh 4026 were present at Chowk Chuslewad for the investigation of the case FIR No.58 dated 17.05.2021 under Sections 323, 323, 324, 148, 149 IPC, 25, 27, 54, 59 of A. Act, 3(1)R SC/ST Act at Police Station Sadar Patti and Balkar Singh Sarpanch resident of village Rasoolpur after taking along the accused Surjit Singh son of Charan Singh, resident of village Cheema Kalan along with him in the aforesaid case presented the accused Surjit Singh and the accused Surjit Singh was got arrested in the aforesaid case. Surjit Singh

also got injured due to the gunshot injuries received by him from the other party Dhara Singh and Surjit Singh son of Charan Singh recorded his above said statement before me. His statement was reduced into writing as per his dictation word by word and the same was reduced into writing, and he after admitting the same to be true signed the same in the English language which are attested by me. Surjit Singh presented one MLR No.58/VBS/GYL/2021 dated 16.05.2021 issued by Doctor in respect of Surjit Singh and in the MLR, the doctor has shown total 5 injures upon the person of Surjit Singh and all the injuries were kept under X-ray observation. Injury No. 1, 2, 3 is blunt and Injury No.4 and 5 under forensic extract opinion and on the basis of the statement and MLR, the offences under Sections 307, 323, 324, 148, 149 IPC, 25, 27, 54, 59 of A. Act is made out. Regarding this incident the case FIR No.58 dated 17.05.2021 already stands registered under Sections 307, 323, 324, 148, 149 IPC 25, 27, 54, 59 of A. Act at Police Station Sadar Patti and on the death of Dhara Singh, the offences under Section 302 IPC, 3(1)R SC/ST Act has already been added and the investigation of the case is being conducted by me DSP. On the basis of the above said statement, the cross-case is required to be registered against the aforesaid persons under above said Sections in the above said case, thus for entering the Rapat in the Roznamcha, the same is being sent by hand CT Navkarandeep Singh 753 to the Police Station Sadar Patti. After entering the Rapat in the Roznamcha as cross-case, the Rapat number be informed. Special reports be issued and sent to the Senior officials serial wise. Control room be informed. I, DSP along with other colleagues is going to the spot for investigation. Sd/ Kuljinder Singh Deputy Superintendent of Police Sub Division Patti, date

22.05.2021. Today at Chowk Chuslewad at 4.30 PM. Today at Police Station: At this time on receipt of above said statement at the Police Station, the Rapat entered into the Roznamcha as cross-case and the original statement along with the copy of Rapat is being handed over to the messenger CT for handing over the same to the DSP at the spot for further investigation. Control Room be informed through E-mail. After issuing the special reports, the same are being sent to the Police Station by hand ASI Nirmal Singh 709/TT

7. Subject

Cross Case under Sections 307, 323, 324, 148, 149 IPC, 25, 27, 54, 59 A. Act in the case FIR No.58/2021.

8. Acts & Sections

Sr. No.	Acts	Sections
1	IPC 1860	307
2	IPC 1860	323
3	IPC 1860	324
4	IPC 1860	148
5	IPC 1860	149
6	Arms Act, 1959	25
7	Arms Act, 1959	27

Sd/- Dilbagh Singh

Report Printed on: 22.05.2021 Signature

Report Printed by: Name: DILBAGH SINGH

Name: DILBAGH SINGH Rank: SI (Assistant Sub-Insp.)

Rank: Ass. SI (Assistant Sub-Insp.) No.82/TT.”

5. The learned counsel for the petitioner contends that taking the allegations to be correct, the only overt act attributed to the petitioner in the cross-case registered against him is that he was alleged to be armed with a

country-made pistol with which he fired and handed over the same to co-accused Jugraj Singh who is stated to have fired upon Baljit Singh. Jugraj Singh has already been granted the concession of anticipatory bail by this Court vide order dated 06.09.2022 (Annexure P-4). Even otherwise, it is a case of version and cross-version in which Dhara Singh from the side of the petitioner has died. As the petitioner was in custody since 12.01.2023 and none of the 33 prosecution witnesses had been examined so far, he was entitled to the concession of bail.

6. A short reply dated 01.09.2023 by way of an affidavit of Jaspal Singh, Deputy Superintendent of Police, Sub Division Patti, District Tarn Tarn has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that it is a case of version and cross-version. The petitioner is one of the main accused in the cross-version got registered at the instance of Surjit Singh. He, however, concedes that Jugraj Singh who is alleged to have fired upon Baljit Singh has been granted the concession of anticipatory bail, the petitioner was in custody since 12.01.2023 and none of the 33 prosecution witnesses had been examined so far.

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

8. Admittedly, it is case of version and cross-version. As many as 07 accused have been charge-sheeted in the main case whereas two accused are still absconding. In the cross-case in which the petitioner is seeking the concession of bail, there are 23 accused and 3 namely, Salvinder Singh, Sukhpal Singh @ Ganji (petitioner) and Jobanpreet Singh have been

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chargesheeted. As many as 40 prosecution witnesses are to be examined in the main case and 33 in the cross-case. Therefore, the trial of the present case is not likely to be concluded anytime soon. As the petitioner is in custody since 12.01.2023, his further incarceration is not warranted.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sukhpal Singh @ Ganji son of Sukhraj Singh is ordered to be released on bail on 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 the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would 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.50,000/- 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

01.09.2023

JITESH

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