

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

CRM-M-41413-2023

Date of decision : 28.08.2023

DILRAJ SINGH ALIAS RAJA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Prince Sharma, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.23 dated 21.03.2020 registered for the offences punishable under Sections 307/120-B/427/34 IPC, 1860 and Sections 25/27 of Arms Act, 1959 (Sections 148/149 of IPC deleted and Sections 120-B/427/34 IPC added later on) at Police Station Verowal, Tehsil & District Tarn Taran, Punjab.

2. Custody certificate of the petitioner has been produced. The same is taken on record.

3. As per the contents of the FIR it was alleged as under :-

“Statement of Ranjodh Singh son of Swaran Singh resident of village Uppal age about 32/33 years Mobile No. 98152-40951, PS Verowal stated that I am resident of the above said address and In am doctor at village Saran Talwandi, we are 3 brother and I have one sister. I am married and have 3 children in which have 2 sons

and 1 daughter. I have clinic namely Baba Mohan Dass Healtha Care Clinic at village Saran Talwandi and every day, I go on my clinic at Saran Talwandi from my village Uppal. Yesterday on dated 20.03.2020 time about 08/08:15 PM, I closed my clinic and was going for my village Uppal on my Alto Car K-10 bearing registration no. PB-46-X-8516, colour silver, when I arrived at house of Sarabjit Singh son of Banta Singh resident of village Gill Kaler, then 2 bikes namely Pulsar were parked there and 6 unidentified persons were standing near of it and their faces were covered with clothes and one of them gave signal to me for stopping, when my car was slow, then one of them started shooting fire of gun on me, one bullet was hit on my right muscle which crossed to my muscle and hit in V. Shape muscle and get down for saving myself from second bullet which hit on the left window of my car. I started shouting, then all the persons ran away from the place of occurrence with their respective weapons on bikes, I called to my wife Rupinder Kaur and she came along with my younger brother Shamsher Singh and they put in their car in injured condition and admitted me at Civil Hospital Shri Guru Nanak Dev Amritsar where I am getting treatment. That unidentified persons shot fire on me and make in injured, so search out to accused and take action against them Sd/- Ranjodh Singh, testified by Sd/- Shaminderjit Singh INSP of Chief Officer Police Station Verowal.

Police Action:- Today In INSP/SHO was present at bridge of village Dhotta along with ASI Ranjit Singh 1105/TT, ASI Amarjit Singh 1611/TT, HC Ranjita Singh 1679/TT on private vehicle, then MHC Balwinder Singh Police station Verowal called on phone and said that Ranjodh Singha son of Swaran Singh resident of village Uppal is admit at Gurua Nanak Dev Hospital, Amritsar who got injured by bullets on dated 20.03.2020 time about 08/08:15 PM and arrived for investigation, then I INSP/SHO arrived at Guru Nanak Dev Hospital, Amritsara along with co-officials and there found Ranjodh Singh in Ortho Ward No. 2 and took written permission from doctor to get the statement of injured person, doctor said that he is fit and he recorded his statement before me which was read

over to him, after admitting as correct he signed in English Language below his statement and as per statement found offence under section 307/148/149 IPC & 25/27/54/59 Arms Act.

do agriculture that near the river stream running through Kirian around 118 Killa of land belonging to provisional government is there. From past 20 years me and Rashpal Singh S/o Tarlok Singh, Ajit Singh S/o Tarlok Singh, Amanpreet Singh S/o Avtar Singh, Surjit Singh So Sucha Singh, Nirmal Singh S/o Sucha Singh, Gurmail Singh S/o Chanan Singh and Lakhvir Singh S/o Shingara caste Jatt R/o Kirian have been doing agriculture on the said land. In the year 2013, the month of November the opposite party had tried to forcibly take possession and had tried to sow rice in the fields and in this regard a case was also got registered in PSh Verowal. Today, we got to know that on our above said land, the other party was cutting the crops sown by us then at around 2.30 3.00, I alongwith Rashpal Singh S/o Tarlok Singh, Ajit Singh S/on Tarlok Singh, Amanpreet Singh S/o Avtar Singh, Surjit Singh S/o Sucha Singh, Nirmal Singh S/o Sucha Singh, Gurmail Singh S/o Channan Singh, and Lakhvir Singh S/o Shingara all resident of Kirian reached the fields where wheat was being cut in our vehicles Mahindra Max and one Indica Car and for self defence Rashpal Singh had also taken his .12 licence rifle. When we reached at the land, Daler Singh, Gurmail Singh son of Darbara Singh, Dilbagh Singh son of Lal Singh, Harbhahan Singh son of Gian Singh, Mangal Singh, Nirmal Singh, Avtar Singh sons of Kandhara, Surinder Singh alias Bintu, Tarsem Singh son of Deva Singh, Jarnail Singh son of Mukhtiar Singh, Mukhtiar Singh son of Pala Singh, Puran Singh, Sukhdev Singh sons of Inder Singh Sohan Singh son of Mangal Singh caste Jatt residents of villge Kirrian anda besides them, workers of Kissan Sangharsh Committee namely Major Singh Joginder Singh Ghatti Verowal Harjit Singh S/on Santokh Singh Joke Mehal Singh So Tara Singh Balwinder Singh S/o Gurnam Singh and Gurcharan Singh S/o Hari Singh R/o Kirian were present there and were cutting our wheat with the help of combine and all the people were having rifles, pistols, Gandassi,

Kirpan and Barchi and when we stopped them from doing so then they did not even give us a chance to assess the situation and they even snatched the licensed gun of Rashpal Singh and fired on us. These persons attacked Rashpal Singh son of Tarlok Singh, Surjita Singh son of Sucha Singh, Satnam Singh son of Bakshish Singha caste Jatt resident of Kirian Pargat Singh S/o Bhan Singh Caste Jatt R/o Saruwala Distt. with their weapons with an intention to kill and inflicted many injuries on them. Me and my nephew Amanpreet Singh S/o Avtar Singh and Ajit Singh managed to save their lives by running away from the spot. After inflicting injuries, all the above said persons went away raising lalkaras and took away three trollies loaded with the wheat cut by them alongwith the combine alongwith their weapons. Me and my brother Ajit Singh took the injured to different hospitals after reporting the same to police station. I was coming to inform you about the incident and have met you on the way please action. The reason is jealousy because the other party wants to take possession of our land. In have given my statement read it the same is correct. SD/- Dilbagha Singh as above attested by Satpal Singh SI PS Verowal dateda 21.03.2020. Police proceedings today I, SI alongwith ASI Charn Singh ASI Dilbag Singh No. 1748, HC Ram Therefore copy of the statement is being sent for a registration of case by handed of HC Ranjit Singh 1679 at police station and aftrer registered the F.I.R. no. may be intimated. Special Report be sent to the higher officials and inform to control room. I am going along with my fellow employees on the place of occurrence at village Gill Kaler SD/ Shaminderjit Singh INSP Chief Officer of Police Station Verowal dated 21.03.2020. Today at the jurisdiction of Guru Nanak Dev Hospital, Amritsar at 07:15 PM. Today at PS: At this time, the above statement received at police station and a case was registered and a copy of the FIR is sent back through the HC by handed to ASI for further investigation. The information has been sent to control room via wireless. Special reports are being sent to senior officials through PHG Nishan Singh 20911. Closing Rapat No. 24 dated 21.03.2020 Time 09:15 PM.”

4. During the course of investigation prosecution claims to have unearthed the role of the present petitioner as under :

“During the course of investigation on 05.04.2020 Sukhdev Singh in extra judicial confession stated that he was sitting in bus stand Khalchian in front of fruit shop and Hardeep Singh and others were taking each other that Dilraj Singh @ Raja had formed conspiracy and had directed to eliminate Ranjodh Singh and they were asked fire gun shot upon him. Ranjodh Singh had illicit relation with the wife of Dilraj Singh @ Raja and the statement of the witness was recorded and this had led to identification of the accused as well as the conspiracy formed by Dilraj Singh @ Raja. During the course of investigation Nitin Kumar @ Chiku was also arrested. He was brought from custody on production warrants and he was declared innocent in the final report under Section 173 Cr.P.C. It has been found that no request was made to release the accused Nitin Kumar @ Chiku till today due to ignorance. He is in judicial custody and application for regular bail has been filed and the same was disposed of separately vide my detailed order.”

5. Counsel for the petitioner submits that whole of the case projected by prosecution is far away from the truth. The petitioner and the alleged Rajbir Kaur got separated and their marriage was dissolved by way of mutual consent vide Judgment and Decree dated 9th of October, 2019 passed under Section 13-B of the Hindu Marriage Act. Thus the alleged motive being attributed behind the whole occurrence is unbelievable. Apart therefrom the petitioner was in Malaysia on the day of occurrence. The petitioner has been nominated merely on the basis of extra judicial confessions which have no evidentiary value in the eyes of law. The

petitioner is behind the bars since 5th of May, 2023. Challan already stands presented and there can't be any apprehension that the petitioner shall tamper with any evidence and the petitioner has no criminal antecedents.

6. Counsel for the petitioner is not in position to dispute the aforesaid factual assertions based on record.

7. I have heard counsel for the parties and have gone through records of the case.

8. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 28, 2023
Dpr (Pankaj Jain)
Judge

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