

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

CRM-M-57132 of 2022(O&M)

Date of Decision: 22.02.2023

Iqbal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Argued by:-Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pranshul Dhull, Advocate
For the petitioner.**

Mr. C.L. Pawar, Addl. AG Punjab.

**Mr. Karanjit Singh Brar, Advocate
For the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 111 dated 19.06.2022, registered under Sections 307 read with Section 34 IPC and Sections 25 and 27 of Arms Act at Police Station Sri Muktsar Sahib, District Sri Muktsar Sahib.

The allegations in nutshell are that the police received information that Jagmeet Singh son of Avtar Singh was having dispute with regard to water pipes with his co-villager Karamjeet Singh son of Balwant Singh and on 18.06.2022 at about 10:00 p.m. petitioner Iqbal Singh and his brother Jagmeet Singh went to irrigate their fields, where aforesaid Karamjeet Singh and his son Harvinder Singh @ Kaka also reached in jeep and then both the

parties started fighting with each other regarding the water pipes belonging to Karamjeet Singh which passes through the fields of Jagmeet Singh and they started firing at each other and petitioner Iqbal Singh and Karamjeet Singh sustained firearm injuries and they were taken to two different hospitals and on the basis of the aforesaid information, the investigating officer sent ruqa to the police station and consequently FIR No. 111 dated 19.06.2022 was registered in the present case.

As per the allegations appearing on record, at the time of aforesaid occurrence, Harvinder Singh @ Kaka son of Karamjeet Singh caused firearm injury to petitioner Iqbal Singh and as per cross version petitioner Iqbal Singh caused firearm injury to aforesaid Karamjeet Singh.

The Senior counsel for the petitioner submits that the present case involves version as well as cross version. As per version case, Harvinder Singh @ Kaka son of Karamjeet Singh fired shot with his gun, which hit petitioner Iqbal Singh. The Senior counsel for the petitioner further submits that it is the plea of the opposite party that petitioner caused firearm injury to Karamjeet Singh, father of Harvinder Singh @ Kaka. The Senior counsel for the petitioner further submits that it is a matter of evidence as to who was the aggressor party. That *prima facie* it appears that firstly petitioner Iqbal Singh suffered firearm injury at the hands of Harvinder Singh @ Kaka and only thereafter in his self defence, he fired shot from his licensed revolver. The Senior counsel for the petitioner further submits that undoubtedly the petition filed by Harvinder Singh @ Kaka for grant of anticipatory bail stands dismissed, but the case of the petitioner is on better footing than that of Harvinder Singh @ Kaka, for the reason that

the petitioner also suffered firearm injury, whereas no such injury was suffered by Harvinder Singh @ Kaka. The counsel for the petitioner further submits that the petitioner is ready to join the investigation with the police.

The present petition is resisted by the State counsel as well as counsel for the complainant, both of whom have submitted that there are specific allegations against the petitioner that he caused firearm injury to Karamjeet Singh. It is further submitted that no doubt there is a version as well as cross version involved in the present case, but Harvinder Singh @ Kaka from the opposite party to whom firearm injury is attributed, was not given concession of anticipatory bail by this Court as is evident from order dated 25.08.2022 passed in CRM-M-34932 of 2022. The State counsel further submits that the custodial interrogation of the petitioner is required for the proper investigation of the case and further the recovery of revolver is also required to be made from the petitioner.

I have considered the submissions made by counsel for the parties.

Undoubtedly, as per version case Harvinder Singh @ Kaka caused firearm injury to the petitioner whereas as per cross-version petitioner Iqbal Singh caused firearm injury to Karamjeet Singh, the father of Harvinder Singh @ Kaka at the time of occurrence. The bail application moved by Harvinder Singh @ Kaka for grant of anticipatory bail was dismissed by this Court vide order dated 25.08.2022 (CRM-M-34932 of 2022).

It is pertinent to note that it is for the trial Court to ascertain which party was the aggressor, after going through the evidence led by both the parties.

In view of the above, taking into consideration the facts and circumstances of the case, the complicity of the petitioner particularly the fact that one firearm injury is also attributed to him, the custodial interrogation of the petitioner would be required for an effective investigation and to unearth the truth and for recovery of the revolver used by the petitioner in causing firearm injury to Karamjeet Singh.

Consequently, the present petition is hereby dismissed being devoid of merits. However, it is clarified that nothing expressed hereinabove shall tantamount to an expression on the merits of the case.

22.02.2023
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No