

In the High Court for the States of Punjab and Haryana
At Chandigarh

I) CRM-M-2314-2023 (O&M)

Darshan Singh @ Kaka ... Petitioner

Versus

State of Punjab ...Respondent

II) CRM-M-34894-2023 (O&M)

Avtar Singh ... Petitioner

Versus

State of Punjab ... Respondent

III) CRM-M-59688-2023 (O&M)

Ramandeep Singh @ Ramna ... Petitioner

Versus

State of Punjab ... Respondent

IV) CRM-M-59644-2023 (O&M)

Lakhwinder Sharma @ Lucky Pandit ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-27.2.2024

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pawan Kumar Mutneja, Senior Advocate with
Mr. Virenjeet Singh Mahal, Advocate,
for the petitioner in CRM-M-2314-2023.

Dr. Rau P.S. Girwar, Advocate,
for the petitioner in CRM-M-34894-2023.

Mr. Parminder Singh, Advocate,
for the petitioner in CRM-M-59688-2023.

Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Jagmohan S. Ghumman, Advocate,
for the petitioner in CRM-M-59644-2023.

Mr. C.L. Pawar, Addl.A.G., Punjab.

Mr. Arshpreet Khadial, Advocate for the complainant.

FIR No.	Dated	Police Station	Section/s
62	21.6.2021	Maur, District Bathinda	302, 452, 506, 148, 149 of Indian Penal Code and Sections 25, 27, 54, 59 of Arms Act

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned four petitions filed on behalf of petitioners Darshan Singh @ Kaka, Avtar Singh, Ramandeep Singh @ Ramna and Lakhwinder Sharma @ Lucky Pandit seeking grant of regular bail in respect of above mentioned FIR.
2. The FIR was registered at the instance of Gurbhai Singh, wherein it is alleged that he is having a house as well as landed property in his ancestral village Maur Khurd; that they are four brothers and his younger brother Darshan

Singh has a house adjacent to his house and resides in the village. However, the complainant had started residing in Patiala about 40 years back and that in his absence his nephew Paramjit Singh @ Shammy takes care of his property. On 21.6.2021, he alongwith his wife Ramanjit Kaur and his son Parampreet Singh @ Garry went to their village Maur Khurd as demarcation was to be conducted in respect of his land and the same was to be got conducted while associating his brother Darshan Singh. Shortly thereafter, Gopi, Lucky Pandit residents of Bathinda, Kindu resident of Kishanpura accompanied by another unidentified person came there in a white coloured i-20 car. Upon demarcation of complainant's land, a portion of land measuring 10 marlas was found to be in possession of complainant's brother Darshan Singh. While they were affixing/installing marks on the demarcated land, Darshan Singh and Gopi etc. (accused) entered into an altercation with the complainant and his son Parampreet Singh @ Garry etc. Darshan Singh raised a '*lalkara*' while stating that the dead-bodies of complainant and others shall go back loaded in a cart. After the said altercation, the complainant and others went to their house. At about 12:30 p.m., when the complainant, his son Parampreet Singh @ Garry, his wife Ramanjit Kaur and his nephew Paramjit Singh were present in their house, then Ravi Inder Singh @ Lali, Raghvir Singh (son-in-law of Darshan Singh) and the unidentified person, who had come in a white coloured i-20 car, entered into their house. It is alleged that Raghvir Singh was carrying a 12 bore gun. Gopi and Lucky Pandit, who were armed with 12 bore gun, Kindu and Darshan Singh also entered their house. Darshan Singh raised a '*lalkara*' exhorting his companions that the complainant and others be not spared. Upon which Lucky Pandit fired from his gun towards the

complainant. The complainant held the barrel and forced the same towards ground and consequently the fire hit the ground, though the complainant sustained injuries on his right hand. In the meantime, Ravi Inder Singh @ Lali took out a pistol from his belt and fired towards complainant's son Parampreet Singh @ Garry. The other accused also raised '*lalkaras*' and fired in the air from their respective weapons and left the place of occurrence in white coloured i-20 car. Darshan Singh left the place of occurrence in a white coloured Verna car. The complainant's son Parampreet Singh @ Garry, who was injured, was rushed to hospital, where he was declared dead.

3. The learned counsel representing the petitioners submitted that they have all been falsely implicated in the present case and that, in any case, even if all the allegations as levelled in the FIR are taken to be correct, it is co-accused Ravi Inder @ Lali (non-applicant), who is alleged to have fired at Parampreet Singh @ Garry (deceased) with his pistol leading to his death, and that none of the applicants is alleged to have inflicted any injury at all to the aforesaid deceased Parampreet Singh. It has further been submitted that although the complainant is also alleged to have sustained some injuries at the hands of the petitioner - Lakhwinder Sharma @ Lucky Pandit but the said injury admittedly is not a fatal injury.
4. It has further been submitted that while petitioner – Ramandeep Singh @ Ramna has been behind bars since the last about 11 months; Lakhwinder Sharma @ Lucky Pandit has been behind bars since the last more than 2 years and 6 months; Avtar Singh has been behind bars since the last more than 1 year and 3 months and Darshan Singh @ Kaka has been behind bars since the

last about 2 years and since there has been no progress in the trial, the petitioners deserve to be released on regular bail. It has additionally been submitted on behalf of the petitioner – Darshan Singh @ Kaka and that he is an aged man of about 65 years and has been chronically ill having serious ailments and under treatment from PGI and despite grant of interim bail, his condition has not improved and thus, he deserves the concession of regular bail.

5. Opposing the petitions, the learned State counsel, assisted by counsel for the complainant, submitted that the instant case is a case where all the petitioners other than Ramandeep Singh are specifically named in the FIR. It has been submitted that though Ramandeep Singh is not specifically named, the FIR clearly indicates that there is reference to one more unidentified person who had come along with the other accused in i-20 car. It has been submitted that the FIR does not smack of exaggerations inasmuch as it is only one person who is stated to be unidentified and unlike many other cases, a large number of unidentified persons have not been roped in. The learned State counsel pointed out that the identification of Ramandeep Singh later on came to be disclosed pursuant to supplementary statement of complainant Gurbhai Singh recorded on 12.4.2022. The learned State counsel submitted that having regard to the fact that the accused were present at the spot and petitioners Avtar Singh and Lakhwinder Sharma were carrying guns, their complicity is clearly evident even if the fatal shot was fired by co-accused Ravi Inder (non-applicant), still the petitioners do not deserve the concession of bail.
6. This Court has considered rival submissions addressed before this Court.

7. The FIR in the present case clearly shows that the dispute had occurred over demarcation of land wherein the petitioner Darshan Singh, who was found to have encroached 10 marlas of land belonging to the complainant, apparently bore a grudge and exhorted his companions to inflict injuries to complainant and his son. Petitioner Lakhwinder Sharma had fired from his gun. However, the complainant was able to catch hold of the barrel of his gun and forced the same towards the ground when the shot was fired which did not result in any fatal injury. It was, however, co-accused Ravi Inder Singh @ Lali who fired from his pistol at complainant's son leading to his death. Ramandeep Singh is the only person who was stated to be unidentified person at the spot but came to be identified subsequently. The allegations do not suggest of any exaggerations either in the manner of inflicting of injuries or showing the involvement of a large number of accused.
8. Under these circumstances, at this stage, this Court does not find any case for grant of regular bail to the accused Ramandeep Singh, Lakhwinder Sharma and Avtar Singh and the petitions on their behalf deserve to be dismissed.
9. As far as the petitioner Darshan Singh is concerned, he is stated to be a person aged about 65 years and is stated to be having a poor medical condition inasmuch as his heart is said to be not functioning to its optimum and is functioning to the extent of 20% only. Having regard to the medical condition, this Court had ordered for his release on interim bail vide order dated 16.3.2023, the relevant extract of which is reproduced herein-under :-

“A short reply by way of affidavit of Sh. N.D. Negi, Superintendent,
Central Jail, Bathinda has been filed, which is accompanied by medical

report, custody certificate and medical test results in respect of the petitioner.

The petitioner, as per the Discharge & Follow-up Card issued by Guru Gobind Singh Medical College & Hospital, Faridkot (Annexure P-7), had been discharged on 01.12.2023 and had been referred to PGI, Chandigarh for further management. As per the medical tests reports, annexed therewith the petitioner is having Ejection Fraction (EF) to the extent of 20-22 per cent, with severe LV dysfunction.

Learned Senior counsel representing the petitioner submits that EF (Ejection Fraction) is a measurement of the percentage of blood leaving the heart each time it squeezes and that in other words, it could be called as the pumping capacity/ability of the heart. It has been submitted that the rate of Ejection Fraction (EF) to the extent of 55-70 per cent is considered to be within 'normal' limits and that in case, the same gets reduced to less than 30 per cent, the same could be a cause of concern being a situation leading towards "heart failure" and that since in the instant case, the EF has been opined to be 20-22%, the condition of the petitioner is apparently precarious.

The learned counsel has further submitted that "LV dysfunction" occurs when the left ventricle which is primarily responsible for pumping oxygenated blood to various organs of body gets damaged or is defective and since it has been opined in Discharge Certificate P-7 that petitioner has severe "LV dysfunction", he is required to be closely monitored and treated which is not possible while he is lodged in Faridkot Jail whereas treatment is being provided in PGI, Chandigarh.

Having regard to the aforesaid medical condition particularly EF percentage of the petitioner, which is stated to be 20-22 per cent, this Court deems appropriate to release the petitioner on interim bail at this stage on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, so as to enable the petitioner to get himself treated from the hospital of his choice.

List again on 16.05.2023.

Apart from taking treatment from any hospital of his choice, the petitioner shall also get himself examined at PGI, Chandigarh shortly before the next date of hearing particularly as regards his current EF percentage.

The authorities concerned at PGI Chandigarh particularly Medical Superintendent is requested to assist the petitioner to get himself

examined in Deptt. Of Cardiology so that requisite medical certificate is furnished to him, when he approaches for the same in month of May 2023.

The petitioner shall produce the entire medical record before this Court in respect of the treatment undertaken by him during the intervening period.”

10. The learned counsel has today passed on photocopies regarding medical treatment taken by the petitioner Darshan Singh in PGI which shows that he has regularly been consulting the doctors at PGI. Some of the dates when he visited the hospitals, as may be discerned from the stamps affixed, are 18th April 2023, 5th May 2023; 9th May 2023; 20th June 2023; 28th July 2023; 7th November, 2023; 12th December 2023; 23rd January 2024 and 30th January 2024. The petitioner Darshan Singh, however, has not been admitted during the said period necessarily indicating that his treatment can be managed without there being any need for his admission. It has been for almost 9 months that the petitioner Avtar Singh has been on interim-bail on medical grounds. His condition is stable and has not deteriorated and has been managed as an OPD patient. Under these circumstances, having regard to the nature of allegations and the fact that it is the petitioner Darshan Singh who had exhorted his companions to eliminate the complainant and his son, he also does not deserve any concession of bail. The petition on behalf of Darshan Singh also deserves dismissal. He is directed to surrender forthwith before the authorities concerned.
11. All the petitions stand dismissed, as indicated above. It is, however, directed that requisite medical treatment, as may be required shall be made available to petitioner Avtar Singh.

CRM-M-2314-2023 (O&M)
CRM-M-34894-2023 (O&M)
CRM-M-59688-2023 (O&M)
CRM-M-59644-2023 (O&M)

(9)

2024:PHHC:026671

12. A copy of this order be placed on the file of connected cases.

27.2.2024
Kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No