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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22873-2024
Date of decision : 08.05.2024

SUKHRAJ SINGHPetitioner

Versus

STATE OF PUNJABRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Lakhan Paul Garg, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.0012, dated 05.04.2020, registered for offences punishable under Sections 307, 506, 323, 336, 341, 148, 149 of the Indian Penal Code, 1860 and Sections 25, 27 of Arms Act, 1959 at Police Station Arif Ke, District Ferozepur, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. As per the contents of the FIR, it has been alleged as under :

“It is stated that I am resident of above mentioned address and I am an agriculturist. Yesterday dated 04.04.2020, time at about 7:00 PM, I along with Resham Singh Son of Harbans Singh, resident of Kalle Ke Hithar; were going to Basti Borian wali by our motorcycle. When we reached near Basti Kishan Wali, at that time Santokh Singh @ Sokha Son of Mahinder Singh & Khushal Singh Son of Santokh Singh were came from back side;

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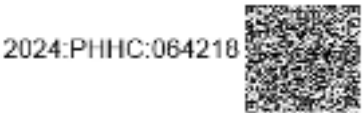
by their motorcycle. Who stopped us, and stopped their motorcycle in front of our motorcycle. Khushal Singh told to me by using filthy language that why you uploaded video of Sukhraj Singh Son of Mangal Singh, resident of Kalle Ke Hithar, on internet. He became angry and gave me a blow of pistol's butt, which hit me at my eyebrow of left eye & gave be threats to kill me & he came back to their house by run motorcycle fast. I am Resham Singh were standing there. From that place, I gave a telephone call to my cousin Inder Singh Son of Teja Singh & explained entire the episode. Who told us that you come back to home. When we are coming back to home, then we have to be come in front of the house of Santokh Singh. When we reached near the house of Santokh Singh, then we saw that in front of Santokh Singh gate Sukhraj Singh Son of Mangal Singh armed with 315 bore rifle, Sarbjeet Singh Son of Sukhraj Singh empty handed, Daljeet Singh @ Baggu Son of Balvir Singh armed with Sota, Mandeep Singh Son of Sukhwinder Singh armed with 315 bore rifle, Santokh Singh Son of Mahinder Singh armed with Sota, Khushal Singh Son of Santokh Singh armed with pistol, Robin Preet Singh Son of Dilbag Singh armed with Gandasa, all resident of Village Kalle ke Hithar were standing on the road. Then Mandeep Singh raised a lalkara that let caught hold to Kulbir Singh. Let him teach a lesson for uploaded the video on internet. After heard the noise, Major Singh Son of Amrik Singh tried to rescue me and at that time Sukhraj Singh gave a fire shot of his 315 bore rifle; straightway with intension to kill, which hit at the right side abdomen of Major Singh. I raised alarm and many more people of village were came here. All the accused went to their houses along with their respective weapons, after fired shot in the air. After that I along with our neighbor Resham Singh Son of Harbans Singh arranged a vehicle and got admitted Major Singh to Civil Hospital Ferozepur and after gave first aid to him, doctor referred him to Guru Gobind Singh Medical College, Faridkot. The motive behind the occurrence is that

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Sukhraj Singh himself uploaded a video on internet allegations leveled against been viral this video. and false us that we have Because of this, first they gave beating to us and when Major Singh came to rescue us then Sukhraj Singh gave a gunshot of 315 bore rifle with intension to kill us. The action should be taken. Sd/- Kulbir Singh Son of Ajit Singh.xxx”

3. The petitioner has been attributed gun shot injury on the person of Major Singh son of Afrik Singh that to on abdomen.
4. Counsel for the petitioner has heavily relied upon the compromise (Annexure P-3) to submit that the parties who are residents of the same village have amicably settled the matter. In his contention he is supported by Mr. Gurmeet S. Saini, Advocate who appears on behalf of the complainant and files his memo of appearance. The same is taken on record.
5. I have heard counsel for the parties and have gone through records of the case.
6. As per settled law laid down by Apex Court in **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, reiterated in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1** the Court while considering prayer for pre-arrest bail has to consider as to whether the accusation appears to be actuated by mala fides, nature of seriousness of the proposed charges, the role attributed to the applicant and the probabilities of securing presence of the applicant during the course of trial and as to whether there is any apprehension that the applicant will tamper with the witnesses or evidence.



7. It is the aforesaid considerations which need to be balanced by the Courts while considering grant of pre-arrest bail.
8. As per the contents of the FIR petitioner himself was armed with 315 bore rifle accompanied by his son. Daljeet Singh @ Baggu his accomplice was armed with sota. Manndeeep Singh son of Sukhwinder Singh was armed with 315 bore rifle. One Khushal Singh son of Santokh Singh armed with pistol. Robin Preet Singh son of Dilbag Singh was armed with *gandasa*. They all attacked the complainant. Major Singh when tried to rescue the complainant, Sukhraj Singh gave fire shot from his 315 bore rifle that hit major Singh on the right side of the abdomen. Clearly the intent as per the allegation was to kill Major Singh. *Prima facie* the same stands corroborated by the medico legal evidence.
9. In view of above, *dehors* the compromise effected between the parties, this Court does not find it to be a case for grant of discretionary relief of pre-arrest bail.
10. Accordingly, the petition is dismissed.
11. Needless to say nothing observed hereinabove shall be construed as an expression on the merits of the case.

May 08, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No