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

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Date of decision: 14.05.2024

Rajinder Pal Chouhan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mohit Sadana, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Ms. Deepali, Advocate for
Mr. Ishan Gupta, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case having FIR No.31 dated 10.03.2024 registered under Sections 307, 323, 324, 506, 148, 149 of IPC and Section 25, 27 of Arms Act at Police Station Sadar Sangrur District Sangrur.

2. The allegations in nutshell are that FIR in this case was registered on the statement of Ashwani Kumar wherein he stated that he is having 25% share while Davinder Singh son of the present petitioner is having 50% share and Banita Rani is having 25% share in Davindra Agro, Sangrur. That on 10.03.2024, complainant, Banita Rani, Sandeep Kumar, Bobby Mehra and some other persons went to premises of Davindra Agro where Paramjit Singh met them on its gate at about 10:15 AM. In the meantime, some customers also entered the factory premises. That present petitioner also came there and raised *lalkara* on which the other party started arguing with them and then Arshdeep son of Somnath went to the roof of



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building and started firing with a 12 bore rifle and petitioner Rajinder Pal took out his pistol and started firing. Davinder Singh gave 'dah' blow which hit on right shoulder of the complainant. Padamjit Singh attacked Kulwinder Singh with iron bar, Balwinder Singh caused injuries on right hand fingers of Lakhwinder Singh with iron bar. Bobby Mehra relative of the complainant came forward to rescue them, on which petitioner Rajinder Pal fired a shot which hit on his left leg. Padamjit Singh gave another blow of iron bar which hit on thigh of Kulwinder Singh. Jagtar Singh @ Taari took a rod and attacked Lakhwinder Singh. Then Balwinder Singh and Davinder Singh gave beatings to the complainant party and threatened them not to enter in the factory premises, again. The injured were taken to civil hospital Sangrur from where Bobby Mehra was referred to Rajindra Hospital, Patiala.

3. Counsel appearing on behalf of the petitioner submits that actually there is a dispute between the partners regarding accounts of Davindra Agro. That son of the petitioner filed suit against the complainant for settlement of accounts of the partnership firm. That son of the present petitioner is having half share in the said factory. On the day of occurrence, complainant along with some other persons came to the factory premises and tried to create raucous. It is further submitted that it was the petitioner who at the first instance reported the incident to the local police and also visited the police station and has already moved an application Annexure P-4 seeking preservation of footage of the CCTV camera installed in the concerned police station, dated 10.03.2024, in order to show his bonafide. It is further submitted that actually, the matter was verbally reported to the police by the present petitioner on the same very day but the police failed to take any action and then the petitioner also gave counter complaint Annexure P-8 to the police, but the same was also ignored by it.

4. The counsel for the petitioner further submits that as per the version given by the complainant at the time of alleged occurrence, petitioner was standing on the roof top and from there he fired shot with his fire arm and the same hit Bobby Mehra. The counsel for the petitioner further submits that as per copy of medico legal report Annexure P-7 one



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wound of 0.5 cm × 0.5 cm × 2 cm was found in the area of left knee of Bobby Mehra having charring of adjoining skin and blackish discoloration. The counsel for the petitioner further submits that the nature of injury shows that the said injury was not possible as a result of shot fired from the roof top (a long distance) and thus, falsifies the case of prosecution.

5. The counsel for the petitioner further submits that there is a civil dispute between the parties and no such illegal act was committed by the petitioner as has been alleged by the complainant and the complainant got registered the present FIR against petitioner and his son Davinder Singh and some other persons to put pressure on them. It is further submitted that petitioner is ready to join investigation with the police.

6. The present petition is resisted by the State counsel as well as by the counsel for the complainant, both of whom have argued that there are specific allegations against the present petitioner that he caused fire arm injury on the left knee of Bobby Mehra at the time of occurrence. It is further submitted that civil dispute may be going on between the parties but that does not mean that the petitioner and his son should resort to illegal means to take control of the entire business of the partnership. It is further submitted that the custodial interrogation of the petitioner is necessary and the recovery of fire arm used by the petitioner is yet to be effected.

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

8. As per the FIR, Davinder Singh son of the petitioner owns half share in partnership firm namely Davindra Agro while complainant and one Banita Rani are having remaining 50% share in equal shares. There may be dispute between the parties with regard to settlement of accounts of the partnership firm. However, in the FIR, there are specific allegations that at the time of occurrence, petitioner caused fire arm injury on the left knee of Bobby Mehra and medico legal report of the injured is Annexure P-7. Thus grave allegations are appearing on the record against the present petitioner and further the recovery of fire arm used by petitioner in commission of crime is still to be effected. At this initial stage of investigation, the petitioner cannot take any benefit of application Annexure P-4 moved by

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him for preserving the CCTV footage dated 10.03.2024 of CCTV camera installed in Police Station Sadar, Sangrur and the counter complaint dated 15.04.2024 (Annexure P-8) lodged by him with the police. Issue with regard to distance from which pistol shot was fired cannot be adjudicated at this nascent stage, when recovery of weapon still remains to be effected.

9. In the given circumstances, the custodial interrogation of petitioner is necessary to unearth the truth behind the occurrence in question and to effect recovery of the weapon used in commission of crime.

10. In light of the above, the present petition is hereby dismissed. However, any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

14.05.2024

Yogesh

(KARAMJIT SINGH)

JUDGE

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