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

CRM-M-33407-2024
Date of decision : 28.08.2024

SUKHWINDER SINGH @ SHINDAPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Inder Pal Singh, Advocate for the petitioner.

Mr. Soloman Partap Singh, 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.120 dated 08.07.2023 registered for the offences punishable under Sections 307/336/506/34 of the IPC and Sections 25/27 of Arms Act at Police Station Sadar Patti, District Tarn Taran.

2. FIR was registered on the statement made by Ranjit @ Rana son of Gurmel Singh to the following effect:

“xxx that I am resident of above said address and am doing agriculture work. That today dated 08.07.2023 at abot 1-1½ PM that I and my younger brother Prabhjit singh, aged about 30 years due to heavy rain, went to ouor fields for taking round and adjoining to our land, there is land of Sukhwinder singh @ Sinda

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son of Baldev Singh @ Deba R/o Dubli. That Sukhwinder Singh @ Sinda carrying revolver his son Akashdeep Singh carrying revolver of black colour and father Baldev singh carrying dang also came present there and after cutting our common vat (small wall). They started passing through the water from our fields and my brother Prabbjit Singh stopped them from passing through the water. Due to this, arguments took place between all of us and all the above persons stated quarrelling. When my brother Prabhit singh came forward to save me then Baldev Singh son of Gurbachan singh R/o Dubli shouted Lalkara to catch us and said that we should not escaped and teach them lesson to stop water from our land. That Sukhwinder Singh @ Shinda fired 3-4 cartridges from his revolver and Akashdeep singh directly fired from his revolver towards my brother Prabhjit Singh with the intention to kill him and the fire hit his right side and my brother caught his right side and sat on the ground and I gave support to him and shouted mar dita, mar dita. After hearing our cries, my uncle Sukhdev Singh son of Sambha Singh and Rashpal sigh son of Balvir singh R/o Dubli came there and on seeing them, they left with their weapons by threatening to kill and abusing us. That Sukhdev singh and Rashpal singh reached on the spot. They witnessed this incident with their eyes and we arranging the vehicle and took Prabhjit singh to Civil Hospital, Patti for treatment where due to his serious condition, the doctor referred him. That at this time, my brother is under treatment at K.D Hospital, Amritsar. The reason of dispute is that due to heavy rain, Sukhwinder Singh @ Sinda and other cut our vat for passing the water of their land into our fields and when we stopped them, he fired on my brother Prabhjit Singh with the intention to kill and injured him. I am responsible Legal action may please be taken against the above said accused persons. Sd/-”

3. Counsel for the petitioner submits that the allegation against the petitioner is of having fired in the air and he had no intent to injure anyone.



Rather it’s a case wherein the petitioner himself suffered bullet injuries. Reference is being made to Annexure P-3 i.e. MLR of the petitioner wherein injuries on his person read as under:

Sr No.	Injuries	Marked	Injury Number
1	A LACERATED PUNCTURED WOUND 0.9 CM INTO 0.7 CM IRREGULAR SHAPED IS PRESENT ON THE ANTERIO MEDIAL ASPECT OF LEFT THIGH, 18 CM ABOVE THE LEFT PATELLA. MARGINS ARE IRREGULAR. BLOOD CLOTS ARE PRESENT. NO BLACKENING. NO TATTOING PRESENT. CORRESPONDING CUT AND BLOOD STAIN PRESENT ON WEARING LIGHT BROWN COLOURED UNDERWEAR (KASHERA). ADVISE X RAY AND ORTHOPAEDIC OPINION.	Yes	1
2	A LACERATED WOUND 1.5 CM INTO 0.5 CM IS PRESENT ON THE TOP OF SKULL. WOUND IS SKIN DEEP. BLOOD CLOTS PRESENT. NO H/O LOC, VERTIGO, VOMITING	Yes	2

4. Custody certificate of the petitioner has been produced, which is taken on record. As per the same, the petitioner by now has undergone more than 1 year, 1 month and 10 days of actual custody and has clean antecedents. Challan already stands presented and by now only 1 out of 12 cited witnesses could be examined.

5. State Counsel is not in position to dispute the aforesaid factual assertions made by counsel for the petitioner based on record.

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

7. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the fact that there is a debatable issue as to which was the attacking party, 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.

8. 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, 2024
Dpr

(Pankaj Jain)
Judge

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