



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

CRM-M No.34652 of 2024
Date of decision: 22nd July, 2024

Daler Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep S. Manaise, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.20 dated 08.05.2024 under Sections 307, 450, 506, 148, 149 of the IPC and Sections 25, 27 of the Arms Act, 1959 registered at Police Station Ghuman Kalan, District Gurdaspur.

2. Learned counsel for the petitioner contends that the allegations levelled in the FIR, which has been annexed as Annexure P-1, are both false and baseless; asserting that he has been implicated solely due to his relationship with co-accused Kuljit Singh, who is embroiled in a matrimonial dispute with the sister of the complainant Gurwinder Singh. Learned counsel has asserted that the petitioner was not present at the scene of occurrence and therefore, had no occasion to participate in, let alone fire a weapon at, the complainant. It has, still further, been submitted that it is documented that, although he possesses a licensed firearm, it was deposited in safe custody on



03.04.2024 due to the upcoming general elections. In support, learned counsel has drawn the attention of this Court to Annexure P-2. Still further, it has been argued that the case against him is fabricated and the injuries, on the face of it, are with a friendly hand, as the complainant was taken to a private hospital located some distance away from the place of occurrence rather than the nearest Govt. hospital. Moreover, it has been submitted that the injuries attributed to the petitioner are on non-vital parts of the complainant's body, and there is no medical opinion on record indicating that any of these injuries could be dangerous to life.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. Before proceeding further, it would be appropriate to reproduce the FIR in question, which reads thus:

“Statement of Gurwinder Singh son of Late Balbir Singh resident of Ugru Khaira, PS Ghuman Kalan, aged about 40 years. Stated that I am a resident of the above said address and I am serving in Punjab Police in District Batala. We are two brothers and four sisters and all are married. My younger brother Kawaljit Singh is serving in sugar mill. My youngest sister Gagandeep Kaur is married to Kuljit Singh son of Jaswinder Singh resident of Talwandi Dina Nath, PS Kalanaur about 5 years back. Since, there is no child born to my sister Gagandeep Kaur, so her husband Kuljit Singh and in-laws family



often used to harass her. My sister Gagandeep Kaur used to come to us at times and used to go back to in-laws family sometimes. My sister's husband Kuljit Singh is serving in Army who used to harass her due to which my sister Gagandeep Kaur had come to us few days back. Yesterday, on 07.05.2024, we had left our sister Gagandeep Kaur at her in-laws house and returned back and I was present in my house with my family. My younger brother Kawaljit Singh was also present in the house with his family and the gate of the house was open. At about 8 PM, three vehicles stopped in front of our gate including white Bolero, white Swift and one Alto car, upon which I stood in the porch of the house to see. Out of these vehicles my brother-in-law Kuljit Singh son of Jaswinder Singh resident of Talwandi Dina Nath armed with pistol, Jaswinder Singh son of Avtar Singh, Rajwinder Kaur wife of Jaswinder Singh resident of Talwandi Dina Nath empty handed, Pawitar Singh son of Bhilla resident of Nano Harni armed with pistol, Amanpreet Kaur wife of Pawitar Singh empty handed resident of Nano Harni, Daler Singh resident of Chaura armed with pistol, Daler Singh's wife and his nephew Arshpreet Singh empty handed, Sukhmandeep Singh son of Gurpreet Singh empty handed, Paramjit Kaur wife of Gurpreet Singh empty handed resident of Boolpur came and all of them came to the porch of our house and started quarrelling. I asked in anger as to what is the matter, upon which Paramjit Kaur and Sukhmandeep Singh raised lalkara and asked Kuljit Singh that, "Now



why are you getting behind, fire a shot." Then Kuljit Singh fired a shot from his pistol at me with intention to kill which hit on my right thigh. In fear, I entered my Swift car parked in the porch. On hearing the gunshot, my brother Kawaljit Singh came out of his room, upon which Pawitar Singh and his wife Amanpreet Kaur and Jaswinder Singh raised a lalkara and exhorted Pawitar Singh that, "What are you looking at, fire a shot." Then Pawitar Singh fired a shot from his pistol at my brother Kawajit Singh with intention to kill which hit on his right shoulder and he fell down on the ground. I came out of the car and raised cries that my brother has been killed, upon which Daler Singh's wife said that Gurwinder Singh has come out of the car properly, finish him of by firing a shot. At this, Daler Singh asked where is he. Then, his nephew Arshdeep Singh replied by indicating that Gurwinder Singh is going there and raised a lalkara. Then Daler Singh fired from his pistol at me which hit on my right thigh, left side of my waist and on the right side of my buttock. This entire occurrence was witnessed by my wife Amanpreet Kaur and Bhabhi Simranjit Kaur. All of us raised cries and the above said assailants fled away from the spot while giving threats and firing in air in their vehicles. We came out of the house and I fell on the ground. Other villagers had also gathered and my sister Sarabjit Kaur, wife and Bhabhi Simranjit Kaur arranged for a conveyance and took both of us brothers to Amandeep Hospital, Amritsar, where the doctor gave us treatment. The bone is contention is that my sister



Gagandeep Kaur was harassed by her husband and in-laws family and we used to stop them. Due to this grudge, they have entered our house and injured us with intention to kill. I am claimant. Legal action be taken against the above said. Statement has been heard, is correct.”

5. Upon a perusal of the allegations outlined in the FIR, which has been reproduced hereinabove, allegedly all the accused, including the petitioner, arrived at the house of the complainant in three separate vehicles. While some of the accused were no doubt unarmed, the petitioner and two others were allegedly armed with pistols. Without any provocation, the accused including the petitioner, allegedly fired shots at the complainant, resulting in firearm injuries to the complainant and one Kawaljit Singh. The petitioner is explicitly named in the FIR in question and there is a specific attribution qua him of inflicting injuries on the right and left side of the complainant's hips, buttocks and on his right thigh, which is prima facie corroborated by the medical reports of the injured witnesses. It is a matter of record that the complainant and the injured Kawaljit Singh were removed to the hospital without any delay after the crime in question.

6. In the facts and circumstances as enumerated hereinabove and the manner in which the crime in question was allegedly committed, this Court does not find it appropriate to extend the extraordinary concession of anticipatory bail to the petitioner in the instant case. The petition stands dismissed.



7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 22, 2024
rps

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