

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

261

CRM-M-39017-2020

Date of decision: 29.04.2024

GURSEWAK SINGH AND OTHERS

....Petitioners

Versus**STATE OF PUNJAB AND OTHERS**

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vikram Anand, Advocate
for the petitioners.

Mr. Akshay Kumar, AAG, Punjab.

Mr. R.S. Brar, Advocate for
Ms. Aameena Singh, Advocate
for respondents No.2 to 7.

KULDEEP TIWARI. J.(Oral)

1. The present petition has been filed seeking quashing of FIR No.195 dated 24.06.2020, under Sections 307, 506, 148 and 149 of IPC, & under Sections 25 and 27 of the Arms Act, registered at Police Station Verowal, District Tarn Taran, on the basis of compromise (Annexure P-2).

2. The bed rock of prayer as established is the compromise effected between the parties. One of the offence under which the petitioner is facing trial is under Section 307 of IPC, therefore, primarily, the instant case falls within one of the exceptions, as carved out by this Court in *Kulwinder Singh and Others Vs. State of Punjab and Others, 2007(3)*.

3. On the last date of hearing i.e. on 21.12.2023, the learned State counsel had filed a reply, and a perusal of the said reply reveals that it is a case of indiscriminate firing, and number of persons have received injuries. The relevant

part of the reply (supra), reads as under:-

"Catch hold of them and let them teach a lesson for having illegally quarrelling with us" and in the meantime, Gursewak Singh directly fired shot with his armed pistol towards the complainant with an intention to kill him which hit upon the right leg of the complainant and Harman Singh fired shot with his armed rifle towards Sukhwinder Singh @ Sunny i.e. respondent No.5 which hits on his right leg below the knee, then Gurlal Singh fired two shots with his armed pistol with an intention to kill them which hits on the right hand of Harbhinder Singh @ Ladi and in front of his right thigh and Chandan and Jyoti, sons of Paramjit Singh fired shots with their armed pistol with an intention to kill the relative of the complainant i.e. Pargat Singh which hit on his stomach and on his right ankle and in the meantime, Ajju i.e. petitioner No.7 fired shot with his armed pistol with an intention to kill Yuvraj Singh son of Balwinder Singh i.e. respondent No.4 which hit on his ankle of his left feet and while raising alarm of "Mar Ditta Mar Ditta" they entered into the house of Baldev Singh and bolted the door and the assailants while raising alarm and while firing in the street and while criminally intimidating them, fled away from the spot along-with their respective weapons and the injured persons were admitted in the hospital and in the pursuance of statement got recorded by the complainant, the present case FIR No.195 dated 24.06.2020, under section 307/506/148/149 of IPC & section 25/27 of Arms Act has been registered at Police Station Verowal, District Tarn Taran against the petitioners.

4. A perusal of the reply (supra), reveals that all the accused-petitioners were armed with pistols, and rifles, and all of them opened fire. Resultantly, number of persons suffered gun shot injuries, therefore, from the bare perusal of the FIR, ocular testimony, as well as the medical report of the injured persons, *prima facie* it is a case of 307 IPC, and as such falls in one of the exceptions, as carved out by the Full Bench of this Court in ***Kulwinder Singh's case (supra)***.

5. In view of the above, this Court is of the considered opinion that the instant FIR, cannot be quashed on the basis of the compromise. Resultantly, the instant petition is **dismissed** accordingly.

29.04.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No