



CRM-M-38397-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM-M-38397-2024
Date of Decision : 14.10.2024

Gurjeet Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. P.K. Bansal, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. This Court, on dated 30.08.2024, had passed the hereinafter
extracted order, upon the instant petition:-

“On the oral request of the learned counsel for the petitioner, complainant-Daler Singh son of Amar Singh, resident of Gaame Wala, Police Station Mamdot is, hereby, impleaded as respondent No.2 in the array of the respondents. Learned counsel for the petitioner undertakes to file the amended memo of parties with the Registry of this Court during the course of the day.
The petitioner, who has been summoned under Section 319 Cr.P.C. by way of issuance of non-bailable warrants to face trial in GD No.35 dated 20.12.2022 registered under Sections 302, 148, 149 IPC and under Sections 25 and 27 of the Arms Act, 1959 at Police Station Mamdot, District Ferozepur, therefore, having apprehension to be arrested upon appearance before the learned trial Court concerned, has filed the instant petition under Section 482 of the



Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail.

Learned counsel for the petitioner in the asking for the relief (supra) submits that though the petitioner was named in the cross-case but he is not that person, rather it is a case of disputed identity. He further submits that during investigation, he was found to be innocent, rather during investigation, he was found to be present in his village on the basis of tower location and CCTV footage, which are affixed outside his house. He also submits that no injury whatsoever, has been attributed to the present petitioner, even if we go by the allegations, as levelled against the petitioner. There was no sufficient material with the learned trial Court concerned to summon the petitioner under Section 319 Cr.P.C. and the only piece of evidence was the statements of PW9 and PW14, which are infact reiterate version, as earlier deposed by them before the investigating agency. Finally, he submits that the petitioner is ready and willing to join the proceedings before the learned trial Court concerned, in case adequate protection is granted to him.

The instant FIR was got registered by one Daler Singh and the cross version was got registered on the basis of statement suffered by Samuel son of Harbans Singh, wherein it is stated that on dated 20.12.2022 at about 10.00 AM his youngest brother Yunis along with father Harbans Singh were waylaid by Inderjit Singh, Jashanpreet Singh sons of Balwinder Singh, Gurmej Singh son of Mukha Singh who hurled threats to kill them. On return to house, his father narrated entire occurrence and thereafter on dated 20.12.2022, at about 3.00 PM, when he along with Yunis (brother), Harbans Singh (father) and other family members were present at house, Inderjit Singh armed with 'Pistol', Jashanpreet Singh armed with 'Pistol',



Gurmej Singh armed with 'Pistol', Gabbar Singh armed with 'Pistol', Amar Singh armed with 'Kirpan', Ajaib Singh armed with 'Pistol', Jeeta Singh armed with 'Pistol' along with 20/25 unidentified persons with Kirpans came outside their house and started firing, further the abovesaid persons alongwith un-identified persons scaled the roof of house of Amar Singh and Surinder Singh. Inderjit Singh fired gun shot aiming towards his brother Yunis and the same has hit on the left side of his chest. Yunis fell down and during his way to hospital, Yunis succumbed to his injuries. Thus, instant DDR No.35 dated 20.12.2022 under Sections 302, 148, 149 IPC and Sections 25/27 of the Arms Act was registered.

During investigation, supplementary final report was filed on dated 16.9.2023, wherethrough the accused Jeeta Singh @ Gurjit Singh (present petitioner) was declared as innocent vide rapat No.23 dated 18.8.2023 and he was summoned under Section 319 Cr.P.C.

It is not in dispute that no injury is attributed to the present petitioner. The only allegation against him, as levelled against him is that he opened fire in the air. In the instant case, one person from each side have been died on account of cross firing. Since the petitioner is only summoned under Section 319 Cr.P.C. and in view of the role of the present petitioner, this Court deems it fit and appropriate to protect the petitioner.

Notice of motion for 14.10.2024.

Mr. Pardeep Bajaj, DAG, Punjab, waives service on behalf of the respondent-State.

Notice be issued to respondent No.2 for the date fixed on furnishing of requisite process fee.

In view of the above, the petitioner is directed to surrender before the learned trial Court concerned within 15 days from today. In case the petitioner surrenders within the



prescribed time frame, the learned trial Court concerned shall release him on regular bail subject to his furnishing requisite bail bonds and surety bonds to its satisfaction.

The arrest of the petitioner shall remain stayed till 15 days from today.

It is made clear that in case the petitioner fails to appear before the learned trial Court concerned within 15 days, the interim granted by this Court shall be deemed to be ipso-facto vacated without any further reference to this Court.”

2. Learned counsel for the petitioner submits that in deference to the directions issued by this Court, the petitioner appeared before the learned trial Court and he has been granted the relief of regular bail, on furnishing of requisite bail bonds and surety bonds. Photocopy of orders dated 06.09.2024 and 07.09.2024, respectively, passed by the learned trial Court concerned, furnished by learned counsel for the petitioner today in the Court. The same are ordered to be taken on the record. Learned counsel for the petitioner further submits that the petitioner is continuously appearing before the learned trial Court concerned.

3. In view of the above, the hereinabove extracted interim order dated 30.08.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “**blanket**” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. Needless to say, that anything observed hereinabove, shall not be construed to be an expression of opinion, on the merits of the case.

(KULDEEP TIWARI)
JUDGE

October 14, 2024
Manpreet

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