



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

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CRM-M-38151-2024

Date of decision: 07.08.2024

Sukhwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurmeet Singh Saini Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.0057 dated 11.07.2024 under Sections 109 of the Bharatiya Nyaya Sanhita, 2023 and Sections 25, 27 of the Arms Act, 1959 registered at Police Station Mallanwala, District Ferozepur.

2. Learned counsel for the petitioner submits that on account of a civil dispute between the parties a false and fabricated case has been planted upon the petitioner. It has further been submitted that even otherwise the petitioner has not been attributed firearm injury upon the complainant and rather he has only been attributed a spade blow on one Sukhdev Singh.

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

4. As not disputed by the learned counsel himself, the



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petitioner is on bail in a case which stands registered against him under the NDPS Act.

5. Be that as it may, a perusal of the allegations levelled in the FIR which has been reproduced hereinunder, reveals that it is the petitioner who came to the place of occurrence on his tractor along with the co-accused i.e. his son. Thereafter, both the accused, including the petitioner, started ploughing the fields of the complainant; when they were stopped from doing so, the accused who was armed with a pistol fired two shots directly towards the complainant hitting him on his thigh as well as on his right hand. When the brother of the complainant rushed to his rescue, he too was not spared and it was the petitioner who then inflicted spade blows on the person of the complainant's brother.

“Statement of Kulwant Singh Ex. Serviceman, Son of Jarnail Singh; resident of Village Alle Wala, Police Station Mallanwala, aged about 51 years, mobile no. 84279-66034. It is stated that I am resident of above mentioned address and I am retired from Indian Army on dated 31.03.2016 and now I am doing agriculture work. I have three acre land for agriculture and in March 2023, I was sold my land measuring 11 Kanal 7 Marlas to Sukhwinder Singh Son of Piara Singh, resident of Fatte Wala and Rs. 2 lac and fifty thousand were pending towards above said Sukhwinder Singh, from total sale consideration of this sale deed and the possession of this land was to be given to above said Sukhwinder Singh, after receive the payment of this balance consideration. For the purpose of take this amount, three times panchayat was held and lastly; on yesterday dated 10.07.2024, at time about 12:00 PM, the panchayat was held in the house of Harbahajan Singh, resident of Basti Greeb Singh Wala and it was decided that above said Sukhwinder Singh will pay the amount today and then possession of the land should be delivered to him. At time about 5/5:30 PM, above said Sukhwinder Singh and his son Tirath Singh, who was driving the tractor mark Swaraj 855 having connected with plough, both entered into my above



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mentioned land & started ploughing the land with their tractor. I reached at the spot and asked to Sukhwinder Singh that it has been settled in the Panchayat as per said settlement first you pay Rs. 2 lac 50 thousands and thereafter, you should be ploughed the land. Then Sukhwinder Singh raised lalkara that lets teach a lesson to him for stopping us from cultivating the land. Then above said Tirath Singh stopped his tractor and with intension to kill me, gave fire shots with his pistol; straight towards me and two shots hit at my left leg at the knee and another fire hit at my fingers of right hand and above said Sukhwinder Singh again raised lalkara that lets kill him. He fired two shots more at me and I fell down at the ground, therefore said shots did not hit me. Thereafter, my younger brother Sukhdev Singh and Harjeet Singh Son of Tehal Singh, resident of Deh, came at the spot. They raised alarm and then Sukhwinder Singh took spade from his tractor and gave blow to Sukhdev Singh and same hit blunt side at his left side of nose. Then other nearby people gathered here at the spot and they both ran away from the spot with their tractor. Thereafter, my bother along with Harjeet Singh arranged a vehicle and got me admitted at Civil Hospital, Mallanwala and doctor gave me first aid and further referred me to Civil Hospital, Ferozepur. But because I was ex-serviceman, my family as per my wish, got me admitted in Military Hospital, Ferozepur Cantt. and here my treatment is going on. The motive behind the occurrence is that Sukhwinder Singh was ploughing my land forcibly without give me balance amount and I was stopping them to not do so. Because of this reason, they fired shots at me with intension to kill me and gave spade blow to my brother. I record my statement to you in the presence of Bhalwinder Singh Son of Karnail Singh, resident of Basti Khachar Wali and I read over and same is correct. The action should be taken. Sd/- above said Kulwant Singh Ex. Serviceman. Witness: Sd/- Bhalwinder Singh. Verified by :- Sd/- Lakhvir Singh ASI, PS Mallanwala. Dated 11.07.2024.”

6. In the facts and circumstances, and allegations levelled against the petitioner in the FIR in question which has been reproduced hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the instant petition is hereby dismissed.

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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.

07.08.2024

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No