



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(203)

CRM-M-45953-2024 (O & M)
Date of decision: 20.09.2024

Hardeep Singh
V/s
State of Punjab

.... Petitioner
...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kushagra Mahajan, Advocate, for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

Mr. Ankush Rampal, Advocate,
for the complainant-Balwinder Singh and
victim-Mahinder Singh.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 483 BNSS is for the grant of regular bail to the petitioner in a case FIR No.19 dated 05.02.2023 under Sections 307 IPC and Section 27 of the Arms Act registered at Police Station Lopoke, District Amritsar Rural.

2. The present FIR came to be registered at the instance of Balwinder Singh and reads as under:-

“Statement of Balwinder Singh son of Bir Singh, resident of Village Kotli Dasandi, Police Station Bhindisaidan, District Amritsar, aged about 35 years, mobile number 98142-47928, stated that I am a resident of the aforementioned address and works as a laborer. We are three brothers. The eldest is Tarsem Singh, followed by Rashpal Singh, and I am the youngest. Our entire family lives together. On 04.02.2023, my nephews Mahinder Singh, about 23 years old, and Baljinder Singh, about 22 years old, sons of Rashpal Singh, went to the village Chuchakwal, Police Station Lopoke, to get coolant water for a tractor, and I also went to Chuchakwal to purchase household



items. At around 11:30 AM, these two went to the spare parts shop of Hardeep Singh son of Dara Singh, resident of Village Chuchakwal, to get coolant water. Hardeep Singh showed them the coolant water bottle and they asked about the price of a bottle of water. He then got agitated and said that if you want to buy the item, do it, otherwise, leave the place, adding that people just show up for no reason, and then he insulted them by using foul language (abuse to mother). My nephew responded that you should not use abusive language as you are an elderly man, which led to an argument between them. Hardeep Singh then slapped my nephew Mahinder Singh, causing a commotion. At this point, Hardeep Singh's brother Kashmir Singh came out of the house with a 12-bore gun, and his nephew Gurvinder Singh son of Kashmir Singh also came with a 12-bore shotgun out of the house. They started hurling abuses. Hardeep Singh took out his revolver from his Dub and pointed it directly at my nephew. When my nephew tried to run away out of fear, Hardeep Singh, with the intent to kill, fired three consecutive shots from his revolver, two of which hit my nephew Mahinder Singh in both of his thighs. We raised an alarm Marta Marta for help, which drew a large crowd. Then the above said three accused persons ran into the house behind their shop along with their respective weapons, and locked the gate. Meanwhile, my nephew Bittu son of Tarsem Singh, and Gurmej Singh son of Surjit Singh, residents of Mandiawala, also arrived at the spot. I witnessed the entire incident with my own eyes. We then arranged for transportation and took my nephew to the Civil Hospital at Lopoke, where the doctor provided initial treatment and then referred him to Guru Nanak Dev Hospital Amritsar for further care. The reason for the enmity is that my nephew had asked Hardeep Singh to charge the correct price for the coolant water, but Hardeep Singh was overcharging. This enraged Hardeep Singh, leading him to shoot my nephew with the intent to kill. The medical results for my nephew Mahinder Singh have not yet been received till date,



which I will present once they are available. I have got recorded my statement. heard and is accepted as correct. Action be taken, sd/- Balwinder Singh”.

3. The learned counsel for the petitioner contends that it is a case of version and cross-version. A cross DDR No.34 dated 07.02.2023 under Sections 427, 452, 148 and 149 IPC was registered at the instance of the wife of the petitioner, as per whom, shots were fired in self-defence. As per the prosecution case, the petitioner had fired two shots at Mahinder Singh and a third shot had struck the mobile phone of one Davender Singh who was standing across the street. A compromise had been arrived at between the parties except with Davender Singh. As the petitioner was in custody since 21.03.2024 but none of the 19 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the nature of the allegations levelled against the petitioner did not entitle him to the concession as prayed for. He, however, concedes that it is a case of version and cross-version, that the petitioner is in custody since 21.03.2024 and that none of the 19 prosecution witnesses had been examined so far.

5. The learned counsel for the complainant-Balwinder Singh and victim-Mahinder Singh contends that a settlement had been arrived at between the parties and he did not have any objection to the petitioner being granted the concession of bail.

6. I have heard the learned counsel for the parties.



7. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, a compromise has been arrived at between the petitioner on the one hand and the complainant and the injured on the other. Further, he is stated to be in custody since 21.03.2024 but none of the 19 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Hardeep Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 20, 2024
sukhpreet

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