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

CRM-M-47267-2024**Date of Decision: 03.10.2024**

Tulwinder Singh @ Kulwinder Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

Mr. P.P.Singh, Advocate for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.38 dated 24.06.2024 registered under Sections 307, 148, 149 of IPC and Sections 25/27/54/59 of Arms Act (lateron added offence under Section 326 of IPC) at Police Station Sadiq, Tehsil and District Faridkot.

2. The FIR in the present case was registered on the basis of the statement made by Sarabjit Singh and the same has been reproduced below:-

“Statement of Sarabjit Singh son of Inder Singh son of Subeg Singh Resident of Village Jhok Sarkari, District Faridkot aged about 48 years, Mob.No.94656-07722. Stated that I am resident of above said address and is an agriculturist by profession. On dated 23.6.2024, I was present in my 4 Kanals field near the house of Jaswinder Singh son of Jarnail Singh Resident of Jhoke Sarkari and agricultural servant (Seeri) Gurmeet Singh son of



Balkar Singh Resident of Village Jhok Sarkari was ploughing the said fields with my Sonalika 60 tractor. It was about 7.30 PM, Amrital Singh son of Talwinder Singh Resident of Village Jhok Sarkari came there and got stopped me and my agricultural servant Gurmeet Singh from ploughing the fields and started abusing us and I objected to the same and told him that we are ploughing our fields, what do you want from us. Thereafter said Amritpal Singh called his father and others at the spot. On his calling, Talwinder Singh son of Amrik Singh armed with Revolver, Harjit Singh son of Darshan Singh, Harwinder Singh son of Gursharan Singh, Gursharan Singh son of Bhajan Singh and Baljinder Singh son of Jarnail Singh all residents of Jhok Sarkai came there and they stopped me and my servant Gurmeet Singh from ploughing the land and started abusing us and when I said that I am working on my land and I will not leave my land out of fear of you, at that time I was standing in front of the gate of Jaswinder Singh son of Jarnail Singh. Then Amritpal Singh raised a lalkara and asked his father Talwinder Singh, "What purpose did you keep the pistol for? Finish it off today." on which above said Talwinder Singh who was standing at a distance of 15-20 ft from me gave a fire arm shot with his pistol towards me with intention to kill me which hit on my right shoulder and I fell down and said Talwinder Singh again gave 4-5 firearm shots. Jaswinder Singh son of Jarnail Singh and his wife Ranjit Kaur wife of Jaswinder Singh who were also present there who took me away in their house. Later on, my uncle's son Gurpreet Singh son of Gurbaksh Singh Resident of Jhok Sarkari arranged a vehicle and got me admitted to Medical College Faridkot, where I am under treatment. The motive behind the occurrence is that said Talwinder Singh etc were intending to take forcible possession of my land and earlier also they caused scuffle with me. I am aggrieved and action may please be taken against them. I have recorded my statement to you, which is heard and is correct, Sd/ - Sarbajit Singh).".



3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. In fact, it has been alleged that the petitioner had fired shots from his pistol and Sarabjit Singh, injured had suffered two injuries on his shoulder and back, which are non-vital parts of the body. He further contends that it is a case of version and cross version and even a cross version under Sections 307, 447, 506, 148, 149 of IPC and Sections 25, 27 of Arms Act has been registered against the complainant party also. Learned counsel further contends that the injured-Sarabjit Singh has already been discharged from the hospital and is hale and hearty. Learned counsel further contends that in the present case, a dispute relating to the land is already pending between the parties and the matter is sub-judice before the Civil Court. The petitioner is an old patient of Neurology and had suffered paralysis, due to which, his right hand is not working properly. He is already under treatment from GGS Medical College and Hospital, Faridkot and Max Super Speciality Hospital, Bathinda. The petitioner was arrested in the present case on 25.06.2024 and after completion of investigation, the challan has already been presented before the competent Court.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was duly armed with a firearm and had fired several shots from the pistol. Apart from that, the cross version, which was got registered by the side of the accused, has been found to be false, during the course of investigation in the present case, however, no formal findings have been recorded finally in this regard. Since



serious allegations have been levelled against the present petitioner, the present petition deserves to be dismissed by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was ordered to be arrested in the present case on 25.06.2024 and is in custody for the last more than 03 months. At this stage, it is also apparent from the record that a cross version of under Sections 307, 447, 506, 148, 149 of IPC and Sections 25, 27 of Arms Act has also been registered against the complainant side in the present case. Moreover, the injured has already discharged long ago and further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.



- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

03.10.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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