



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-52204-2023

Date of decision: 17.09.2024

Hardeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.P.S. Ghuman, Advocate for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

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

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0272 dated 05.08.2020 under Sections 307, 341, 506, 148, 149 of the IPC, later on added Section 302 of the IPC read with Sections 25, 54, 59 of the Arms Act, 1959 registered at Police Station Sadar Dhuri, District Sangrur.

2. Learned counsel for the petitioner on the last date of hearing had contended that the case had come to a virtual standstill as no progress had been made in the trial after operation of impugned order qua the co-accused in CRR-1650-2021 was passed whereby he had been summoned under Section 319 of the Cr.P.C.

3. Report from the learned Trial Court concerned, in compliance of order dated 20.08.2024, has been received. As per the report on two dates i.e. 15.02.2024 and 20.03.2024 although the witnesses were present before the learned Trial Court, however, a



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request was made by none other than the defence counsel for adjournment beyond the date fixed before this Court, and consequently the case was then adjourned to 20.03.2024. Yet again on 20.03.2024 even though the prosecution witnesses were present, however, they were not cross examined as a request for adjournment had yet again been sought by none other than the learned counsel for the defence. Furthermore, learned defence counsel had made a categorical statement that cross examination of the witnesses may kindly be deferred till the outcome of the decision in CRR-1650-2021 filed by the co-accused to impugn his summoning as an additional accused under Section 319 of the Cr.P.C.

4. In addition, learned counsel for the petitioner submits that in fact it is the complainant party which was the aggressor and had launched a murderous attack on the accused party, including the petitioner; in the occurrence in question, father of the petitioner had received a firearm injury at the hands of the complainant party, which finds due corroboration with the CCTV footage which was retrieved from the spot. It has been further submitted that a perusal of the FIR in question, annexed as Annexure P-1, reveals that prior to the actual occurrence there had been a quarrel between the complainant party and the accused, however, even as per the case of the prosecution, the petitioner was not one of the four persons who had entered into a fight with the complainant party, which clearly lent credence to his false implication in the present case and a fabricated version having been lateron brought forth against the accused party, for reasons but obvious,



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that is on account of there being a history of strained relations between them. Learned counsel has still further submitted that some of the co-accused had already been enlarged on bail and hence, the petitioner, also in the facts and circumstances deserved to be extended the concession of bail as there was no likelihood of the trial concluding in the near future.

5. Per contra, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that it is a matter of record that the occurrence in question took place in the fields of the complainant party itself and hence, there is no question of the complainant party being the aggressor and that too aggressing upon into their own fields. It has further been argued by learned State counsel that it is a case based on ocular testimony. The FIR in question was lodged promptly wherein the petitioner was specifically named and attributed a role which is of having fired with a 12 bore gun towards deceased Dalwinder Singh; thereafter the petitioner aimed towards injured Amrit Kaur. Not only did Amrit Kaur receive firearm injuries in the occurrence in question but even Sudagar Singh who was present at the time of the alleged occurrence, received firearm injuries which find corroborated with the medical evidence on record. Furthermore, after the occurrence in question, the petitioner after emptying his firearm again re-loaded two cartridges of 12 bore and while fleeing away from the spot did not hesitate to fire as a result of which three other persons, who were mere passersby, received firearm injuries. Learned State



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counsel has submitted that in the circumstances, it was evident that it was a premediated attack carried out by the accused party and that too in the fields of the complainant party itself. Learned State counsel, on instructions from ASI Onkar Singh, has also reiterated that it is the counsel for the defence which had been taking adjournments before the learned Trial Court even though there was no order of the High Court staying further proceedings before the learned Trial Court qua the petitioner and the other accused, who had been facing trial.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. Before proceeding further, it would be relevant to reproduce the contents of the FIR, which read as under:-

*“Copy of statement of Savinder Singh S/o S. Jaswant Singh, caste Jatt R/o Bugra, P.S. SadarDhuri, District Sangrur, age around 50 years, mobile No. 95019-95977. Stated that I am resident of the above mentioned address and do agricultural FHC CHANDIGARH farming. On 02-08-2020 my nephew Satnam Singh S/o Ram Singh Jatt R/o Bugra had gone to his field for cutting the pathey, where Satnam Singh my nephew was surrounded by Jagdeep Singh S/o Kartar Singh, Manjit Singh S/o Surjit Singh alias Bhola, Amrit Singh alias Bura S/o Bhupinder Singh and Jagsir Singh S/o Nahar Singh Jatt residents of Bugra for being beaten in field. When he had shouted then other family members working in our field came there. On which aforesaid Jagdeep Singh etc. all four of them had sped away from the spot. Due to this act of Jagdeep Singh etc., my other nephew Mandeep Singh S/o Ram Singh R/o Bugra had given an application against Jagdeep Singh etc. at Chowki Ranike. Yesterday, on 04.08.2020 at around 04:30 p.m., **Hardeep Singh** S/o Kartar Singh, caste Jatt armed with 12 bore gun, Kartar Singh alias Bhola S/o Shyam Singh caste Jatt armed with soti, Jagdeep Singh S/o Kartar Singh, caste Jatt armed with soti, Manjit Singh S/o Surjit Singh alias Bhola, caste Jatt armed with sword, Jeet Kaur alias Jeeto W/o Kartar Singh, caste Jattarmed with soti, Jagsir Singh S/o Nahar Singh, caste Jatt armed with soti, Amrit Singh alias Bura S/o Bhupinder Singh, caste*



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*Jatt armed with soti, Kulwinder Singh alias Kinda S/o Ranjit Singh, caste Jattarmes with soti, Jagsir Singh alias Seera S/o Hakam Singh, caste Jatt armed with soti, Lovepreet Singh alias Laadi S/o Gurcharan Singh, caste Nai armed with sword residents of Bugra P.S. Sadar Dhuri and Charanjit Singh S/o Mukhtiar Singh, caste Jatt R/o Badshahpur, P.S. Sherpur, District Sangrur had together came to Bus Stand, Bugra, who on coming there, had surrounded my nephew Satnam Singh and had started beating him. On his shouting maartamaarta, I and son Dalwinder Singh, Satnam Singh's mother Amrit Kaur, my brother Sudagar Singh S/o Jaswant Singh Jatt residents of Bugra, were coming to get free Satnam Singh, when Kartar Singh alias Bhola, Jagdeep Singh, Manjit Singh, Jeet Kaur alias Jeeto, Jagsir Singh, Amrit Singh alias Bura, Kulwinder Singh alias Kinda, Jagsir Singh alias Seera, Lovepreet Singh and Charanjit Singh mentioned above had gathered had said to aforesaid **Hardeep Singh** in one voice "dekhda ki hain...fire maar...fire maar, on whose provocation, on seeing Dalwinder Singh, Amrit Kaur and Sudagar Singh coming towards them, **Hardeep Singh** had fired a direct fire with his hand held 12 bore gun towards Dalwinder Singh with the intention to kill, which fire had hit Dalwinder Singh in the forehead, due to which blood had started oozing out of his forehead and **Hardeep Singh** had then fired second fire of his hand held gun towards Amrit Kaur, the sprinklers of which fire had hit Amrit Kaur on the face, on the left chest and on the right hand, on Sudagar Singh's neck and waist and one sprinkler had hit Dalwinder Singh on the back of the neck. Then **Hardeep Singh** had emptied his gun and had again re-loaded two cartridges of 12 bore in it and then he along with gun had sped away from the spot, who have been firing while running away too. The passperby Janak Singh S/o Kapur Singh, Gurmail Singh S/o Kaka Singh and Manpreet Singh S/o Janak Raj residents of Bugra also got injured with the sprinklers of his fire. My son Dalwinder Singh had immediately gone behind **Hardeep Singh**, who on being much injured had fell in front of the gate of the Government School and had lost consciousness. All the remaining accused along with their respective weapons, while shouting to kill me and my family, had entered inside **Hardeep Singh**'s house and had sped away towards the field on the back through the back gate. Then I and my nephew Sarabjit Singh S/o Sudagar Singh had arranged for the vehicle and had got admitted the injured Dalwinder Singh, Amrit Kaur W/o Late Ram Singh, Sudagar Singh S/o Jaswant Singh, Janak Singh S/o Kapur Singh, Gurmail Singh S/o Kaka Singh and Manpreet Singh S/o Janak Ram residents of Bugra at Civil Hospital, Dhuri, for treatment,*



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*wherefrom due to excessive injuries, the doctor had given first aid to all and had referred to Rajindra Hospital, Patiala, where there treatment is going on. The reason of enmity is that our cases are going on with the **Hardeep Singh** party for demolishing the boundary wall of the village's cremation ground in the courts at Dhuri. Due to which enmity **Hardeep Singh** along with his accomplices had attacked on my son and family members in a life threatening manner with the intention to kill them. I have got written my statement to you, which you have read to me and which is absolutely correct. Appropriate legal action may be taken against the accused. Sd/- Deponent Savinder Singh, Attested Sd/- Sukhchain Singh ASI/1146 P.S. Sadar Dhuri Date 5.08.2020."*

8. Prima facie, it appears to be a premediated attack carried out by all the accused including the petitioner upon the complainant party. There are serious and specific allegations against the petitioner of having fired from a 12 bore gun not only towards deceased Dalwinder Singh but even aiming towards injured Amrit Kaur and others. In the facts and circumstances as enumerated hereinabove, therefore, this Court does not deem it fit to extend the concession of bail to the petitioner. The instant petition stands dismissed accordingly.

9. 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.

10. Since the petitioner has been in custody for more than four years, the learned Trial Court is directed to make earnest efforts to expedite the trial and conclude it at the earliest.

17.09.2024

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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