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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of Decision : 21.10.2024

Gurtej Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

Mr. Vinay Kumar, DAG Punjab

Mr. Ishan Gupta, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

1. Apprehending arrest in FIR No.31 dated 10.03.2024, under Sections 307, 323, 324, 506, 148, 149 IPC and Sections 25 and 27 of Arms Act (Sections 325 and 201 of IPC and Section 30 of Arms Act added later on) registered at Police Station Sadar, District Sangrur, the petitioner has preferred this petition under Section 482 BNSS, 2023 for grant of anticipatory bail.

2. Succinctly the facts in brief are that the present FIR was registered on the allegations of the complainant that he was in a partnership with Davinder Singh and one Banita Rani @ Vinita. The work was running at a good pace but suddenly the factory was in debt of about Rs.3 crores and when the complainant asked for books of accounts of the factory, Davinder Singh refused to supply the same. On the alleged date of incident the complainant along with his relatives and his

customers to whom he had to deliver JCB machines and ripper machines came to



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the factory and asked Soni, who was a worker in the factory, to return the money of subsidy which was outstanding against the factory. Upon this Soni called Rajinder Pal father of the Davinder Singh. Rajinderpal raised a Lalkaara and then Arshdeep went on the roof of a house and started firing with a 12 bore rifle and Rajinderpal took out a pistol and both of them with an intention of killing started firing directly at them. Davinder Singh gave Dah blow on the right shoulder of Ashwani Kumar. Padamjeet Singh gave iron patti blow upon Kulwinder Singh's abdomen. Balwinder Singh gave blow with iron bar on the fingers of right hand of Lakhwinder Singh, thereafter Bobby Mehra who came to rescue the complainant was fired upon by Rajinderpal which hit on his right leg. Padamjeet Singh again gave blow of iron patti blow on thigh of Kulwinder Singh, and then Jagtar Singh @ Tari, Maula Singh, Balwinder Singh and Davinder Singh surrounded the complainant and his relatives and gave beatings to them and threatened them. All the injured were admitted in Civil Hospital Sangrur, from where Bobby Mehra was referred to Rajindra Hospital, Patiala. On the basis of said statement of Ashwani Kumar, present FIR was registered against total above said 7 accused and one unknown person.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and he was not even present at the site of occurrence as alleged in the FIR. He further submits that there was a civil dispute pending between Davinder Singh and complainant before the learned Civil Judge (Senior Division) Sangrur. He further submits that the petitioner has neither any motive nor any act or injury is attributed to him.

4. Learned State counsel submits that other than the present FIR, one

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City Sangrur is found to have been registered against the petitioner, in which he was acquitted. He further submits that the present FIR was registered against accused Moula (later on verified as Gurtej Singh @ Moula, present petitioner) and his 6 other co-accused and one un-known person on the basis of statement of Ashwani Kumar corroborated by Lakhvir Singh @ Lakhvinder Singh (both eye witnesses) who came to the said factory for taking Agricultural Machines.

5. On 10.03.2024 a dispute arose between the complainant and accused persons including the present petitioner who in connivance with each other inflicted injuries to Ashwani Kumar, two injuries to Kulwinder Singh, two injuries to Bobby Mehra and two injuries to Lakhvir Singh, out of which, injury no.1 was on the person of Lakhvir Singh which was declared as grievous in nature leading to addition of offence u/s 325 IPC. Vide DDR No.20 dated 22.04.2024.

6. It has been duly proved that the petitioner is involved in the commission of present offence and he was present at the spot at the time of occurrence. A specific role is attributed to the petitioner in the commission of present offence. Learned State counsel submits that as per the detailed facts submitted, there are serious allegations against the petitioner and his co-accused that they in connivance with each other have fired upon the complainant party and caused serious injuries on their person with the intention to kill them. During investigation, a 12 bore rifle and 32 bore revolver alongwith 5 empty cartridges, used in the crime were recovered from co-accused Rajinderpal Chauhan. He submits that keeping in view the seriousness of offence, the petitioner is not entitled for the grant of anticipatory bail, rather his custodial interrogation is required so as to know the whereabouts of his other co-accused, who are



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absconding and to complete the investigation of the case and to present the challan of the case.

7. Heard the rival submissions made by learned counsel for the parties and perused the record.

8. There are serious allegations leveled against the petitioner as the petitioner in connivance with his other co-accused had committed grave offence with intention to kill the complainant and other injured of the present case. Multiple injuires have been inflicted on the person of the victims and there are specific allegations against the petitioner establishing his involvement in the offence. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

9. The petition is dismissed.

21.10.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No