



CRM-M-52467-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

231

CRM-M-52467-2024

Date of decision: 21st November, 2024

Surjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Supriya Arora, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 37 dated 19.05.2024 registered under Sections 307, 148 and 149 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Valtaha, District Tarn Taran.

2. Briefly stated, the facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the injured complainant Ranjit Singh @ Gora son of Sukhdev Singh on 19.05.2024 alleging therein that there was some discord between Surjit Singh and Gurlal Singh. He had been called by both of them to mediate and on 18.05.2024, Gurlal Singh took him to village Assal Uttar i.e. the native village of the petitioner for securing a truce. When the complainant Ranjit Singh reached there along with Gurlal Singh, the present



petitioner, Ranjit Singh Sidhu, one cousin of the present petitioner, Bohar Singh and ten other unknown persons were found to be present along with weapons. Bohar Singh made an exhortation and then Ranjit Singh Sidhu fired a shot with a pistol hitting the left thigh of the complainant, another shot was fired by him hitting at the same place. Then the petitioner fired a gun shot again hitting the left thigh of the complainant. He was also assaulted by Bohar Singh who struck a blow with datar on his head. The cousin brother of the petitioner also struck blow with datar. On rescue alarm being raised by him, the assailants fled away. After registration of FIR, investigation proceedings were initiated. On the same day, on the basis of statement recorded by Balwinder Singh, father of the present petitioner who too had sustained a firearm injury and was admitted in hospital, a cross case bearing DDR No. 28 dated 19.05.2024 was registered under Sections 148, 307, 452 read with Section 149 of IPC. The petitioner was arrested on 21.08.2024. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, the complainant and his companions were the aggressors. The occurrence had taken place at the shop of the petitioner and the complainant party had reached there and assaulted him. His father Balwinder Singh had sustained a firearm injury at the hands of Gurlal Singh and was also injured by the complainant Ranjit Singh. It is a case of version and cross-version. There was no provocation on behalf of the petitioner and his father. Trial is likely to take time. His custodial interrogation is no more required. He has a permanent abode.



There are no chances of his absconding. The complainant had been discharged from hospital in time. The subject offences are not made out against him. Therefore, it is argued that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned State counsel has vehemently argued that the victim had sustained one firearm injury at the hands of the petitioner and two firearms injury at the hands of co-accused. There are serious allegations against the petitioner. There are chances of his absconding or intimidating the witnesses. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, he is alleged to have caused firearm injury to the complainant Ranjit Singh. It has also come on record that a cross case has been registered against the members of the complainant party on the allegations that father of the petitioner had sustained a firearm injury in the same incident. It is a case of version and cross-version. The question as to who was the actual aggressor has to be decided by the learned trial Court on thorough assessment and evaluation of the evidence to be produced during trial. The petitioner is in custody since 21.08.2024. Challan has been presented in the Court. Trial is likely to take time. There is no basis for the contention that the petitioner may intimidate the witnesses or abscond. His further detention



would not serve any useful purpose. It is well settled proposition of law that the bail is the rule and jail is an exception. Keeping in view the discussion as made above, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st November, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |