



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-59228-2023 (O&M)

Date of decision: 18.09.2024

Gurmeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)**CRM-6312-2024**

For the reasons mentioned in the application, the same is allowed and copy of MLR of complainant Gurjit Singh is taken on record as Annexure A/1 subject to all just exceptions.

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1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.219 dated 04.12.2022 under Sections 307, 341, 323, 148, 149 of the IPC and Sections 25, 27 of the Arms Act, 1959 registered at Police Station Bhikhi, District Mansa.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 09.03.2023 and till date not even a single prosecution witness has been examined out of the 14 cited, even though challan was presented way back on 06.06.2023 and charges



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framed on 19.04.2024. Learned counsel has submitted that on 14.08.2024, on account of the prosecution witnesses, including the complainant, not appearing before the learned Trial Court, bailable warrants were issued to secure their presence and thereafter the case was adjourned to 04.09.2024 when the case could not be taken up and now it stands adjourned to 20.09.2024. In support, learned counsel has also placed on record the zimni orders wherein the submissions made by learned counsel stand corroborated.

3. Learned counsel for the petitioner has further argued that the petitioner has never been involved in any other criminal case previously and even in the present case, the injury attributed to the petitioner is on the right ankle of the complainant, which is a non vital part of the body. Learned counsel has submitted that the occurrence in question emanates from a dispute between the parties pertaining to the possession of land with the complainant falsely alleging that the land on which the occurrence took place was in his possession and the petitioner was trying to take forcible possession of the same.

4. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner by drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

“Copy of statement, "Statement Gurjeet Singh son of Sarwan Singh son of Nahar Singh, resident of Hamirgarh Faipai, age about 65 years, Mobile No. 94630-63182, stated that I am resident of aforesaid address and agriculturist by profession. I have two sons, eldest Ajaib Singh aged about 42 years and youngest Gurnaib Singh



aged about 31 years. Eldest son, having become aged is bachelor while Gurnaib Singh is married. I have purchased land measuring 5, 1/2 acres from Happy Singh son of Sukhjeet Singh, resident of Hamirgarh Faipai. Happy Singh was nephew of Amarjit Singh son of Baljit Singh, resident of village Hamirpur Faipai, who, during life time of Amarjit Singh, got this land registered in his name and then, I had purchased this land from Happy Singh and got the sale deed registered in the name of my wife Sinder Singh and my brother's wife Jaspal Kaur and my sister-in-law (wife's sister) Harbans Kaur about 5,6 months back. However, this land was with Gurmeet Singh resident of Faipai and Risa Singh resident of Shero, who were cultivating this land because Amarjit Singh son of Baljit Singh resident of Hamirgarh Faipai was being lookafter by his nephew Gurmeet Singh and thus, Amarjit Singh had delivered this land to his nephew Gurmeet Singh for cultivation, however, registration of this land was got made by Happy Singh nephew of Amarjit Singh in his name during life time of Amarjit Singh and now Amarjit Singh, maternal uncle of Gurmeet Singh has expired. Gurmeet Singh had cultivated crop in this land and after harvesting, possession of this land was to be delivered to us by Gurmeet Singh, who, now, is postponing to deliver the possession, because aforesaid Gurmeet Singh was asserting I had taken care of my maternal uncle Amarjit Singh son of Baljeet Singh resident of Faipai in his old age and I having absolute right over this land and was asking to Happy Singh as if you have sold the land, then, got the possession done on his own land and was also threatening to Happy Singh that we will not leave possession over the land. Today, dated 04.12.2022 at about 12 O'clock noon, I along with my nephew Gurvinder Singh son of Darshan Singh, resident of Harmirpur Faipai, on my motor cycle make Platina, went to the field for making a round and when we were returning after making round on motor cycle make platina and reached near drain bridge within the area of village Faipai, then, a vehicle of white colour like Dezire Car, occupied by five unknown persons, and one another motor cycle, ridden by two persons, driven by Risa Singh resident of Shero and Gurmeet Singh resident of Faipai was on pillion of the motor cycle, abruptly stopped the aforesaid car in front of our motor cycle, out of which four non-sikh persons alighted, holding wooden baseball and driver of the car kept on sitting inside the car. Then, Risa Singh stopped his motor cycle and proclaimed that these persons should be teach lesson for purchasing the land. In the meantime, Gurmeet Singh, who was on pillion of motor cycle, alighted from motor cycle and fired a shot with the pistol



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being held by him in his land aiming towards me with an intent to kill me, but, I, in order to save myself, put my head downwards and the fire pierced from my right elbow and my nephew Gurwinder Singh, on hearing noise of gunshot, bearing feared, fled away from the spot. Gurmeet Singh fired other two shots from his pistol, of which one struck against front tyre of motor cycle and other fired struck against right side of tank. On hearing noise of fires, passersby stooped their vehicles and all these persons, being perplexed, along with their weapons and vehicles, fled away from the spot towards village Khiwankalan. Then, my nephew Gurwinder Singh arranged a vehicle and firstly took me to Government Hospital, Bhikhi and got me admitted for treatment, from where, finding my condition to be serious, doctor referred me to civil hospital Mansa and we, for our medical treatment, were proceeding towards civil hospital Mansa, then, you met on T-point Budlada road, Bhikhi and statement has been got reduced before you. Heard and admitted to be correct. Legal action may be initiated against these persons. Highly obliged. LTI/Gurjeet Singh”

5. Learned State counsel has submitted that although the injury had been sustained by injured Gurjit Singh on his ankle, however, he had escaped sustaining serious injury on his person as he ducked when the petitioner fired towards him; while fleeing away from the spot the petitioner yet again fired from his pistol towards the front tyre of the motorcycle and the right side of the tool box.

6. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he, on instructions from ASI Darshan Singh, has categorically replied in the negative; stage of the trial and custody period of the petitioner has also not been disputed by the learned State counsel.

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



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8. The petitioner has been in custody for more than one and a half years having been arrested on 09.03.2023. The trial is unlikely to conclude in the near future as none of the prosecution witnesses have been examined till date. Keeping in view the long custody period as well as seat of injury, this Court deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

18.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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