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2024:PHHC:160861



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.56439 of 2024
Date of Decision:03.12.2024

Sarmukh Singh @ Sartaj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Narinder S. Lucky, Advocate
for the petitioner.

Dr. D.S. Lamba, DAG, Punjab
for the respondent-State.

MEENAKSHI I. MEHTA, J. (Oral)

By way of this petition, the petitioner has made the 2nd attempt to seek the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.49 dated 22.04.2021 registered at Police Station Talwandi Chaudrian, District Kapurthala, under Sections 307, 323, 506, 148 & 149 IPC and Section 25 of the Arms Act. It is pertinent to mention here that the petition bearing **CRM-M No.31508 of 2021**, as preferred by the petitioner earlier for seeking the same relief, had been dismissed for want of prosecution vide the order dated 07.09.2022 (Annexure P-5).

2. Bereft of unnecessary details, the allegations, as levelled by the complainant-informant named Manjinder Singh in the subject FIR, are that on 20.04.2021, he and his family members were present in their field



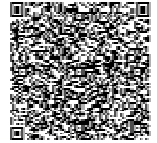
for harvesting the wheat crop, as sown by them. In the meantime, the petitioner and his co-accused namely Amrik Singh Bamb, Bhagwan Singh, Inderpal Singh and Gamdhour Singh, came there along-with 7-8 unknown persons and they were armed with illegal weapons and they fired 10-15 gun-shots towards him and his family members with intention to kill them but they saved themselves by hiding behind the harvesting machine.

3. Learned State counsel has submitted the Status-Report (by way of the affidavit of Deputy Superintendent of Police, Sub Division Sultanpur Lodhi, Kapurthala) in the Court today and the same is taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also gone through the file carefully.

5. Learned counsel for the petitioner contends that the petitioner had been got falsely implicated in the instant case due to some dispute between the parties over the cultivation of a chunk of land and moreover, the petitioner and his co-accused have arrived at a compromise with the complainant party and the cross FIR has already been quashed by the Co-ordinate Bench on 26.02.2024 vide judgment Annexure P-3 and even otherwise, no one had sustained any injuries in the alleged occurrence and in these circumstances, the petitioner deserves the relief, as prayed for in the present petition.

6. Per contra, learned State counsel argues that the petitioner has committed a grave offence and the fire-arm used in the commission of the offence, is to be recovered from him and his custodial interrogation would be required for the said purpose and hence, this petition deserves dismissal.



7. So far as the contention regarding the false implication of the petitioner is concerned, the same can be looked into and adjudicated upon by the trial Court at the appropriate stage, after appreciating and evaluating the evidence as may be led on the record during the course of the trial and it cannot be ascertained at the stage of deciding the instant petition.

8. As regards the contentions qua the compromise having been arrived at between the parties and the quashing of the cross FIR, it is worth -while to mention here that a perusal of judgment Annexure P-3 reveals that the afore-mentioned cross FIR pertained to the offences under Section 336 IPC and Section 27 of the Arms Act and the Co-ordinate Bench has specifically observed in the above-referred judgment that these offences were not of serious nature whereas the subject FIR has been registered under Section 307 IPC, besides other offences, as described in the opening para of this order and in view of the gravity of the offences as alleged to have been committed in the present case, the afore-raised contentions do not suffice at all to afford any cogent ground to grant the relief, as sought by the petitioner in the instant petition.

9. Further, even if none was injured in the alleged occurrence, even then, this Court cannot lose sight of the fact that as per the allegations levelled by the complainant, the petitioner and his four co-accused, along-with 7-8 unknown persons, had attacked the complainant party by opening fire on them with intention to kill them and they had to hide themselves behind the harvesting machine to save their lives.

10. To add to it, as mentioned in para No.13 of the Status-Report, the petitioner is involved in four more criminal cases, besides the present



one. To cap it all, the possibility of requirement of custodial interrogation of the petitioner for affecting the recovery of the fire-arm, as allegedly used in the occurrence in question, cannot be ruled out.

11. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

03.12.2024
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*