

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-65317-2023 (O&M)
Date of Decision:-3.4.2024

Kulwinder Singh @ Kindu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pawan Kumar Mutneja, Senior Advocate with
Mr. Viranjeet Singh Mahal, Advocate for the petitioner.

Mr. Gauravdeep Singh Dhaliwal, DAG, Punjab.

Mr. Arshpreet Singh Khadial, Advocate for the complainant.

FIR No.	Dated	Police Station	Section/s
62	21.6.2021	Maur, District Bathinda	302, 452, 506, 148, 149 of Indian Penal Code and Sections 25, 27, 54, 59 of Arms Act

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was registered at the instance of Gurbhai Singh, wherein it is alleged that he is having a house as well as landed property in his ancestral village Maur Khurd. It has been stated that they are four brothers and that his

younger brother Darshan Singh has a house adjacent to his house and resides in the village. However, the complainant had started residing in Patiala about 40 years back and that in his absence his nephew Paramjit Singh @ Shammy takes care of his property. On 21.6.2021, he alongwith his wife Ramanjit Kaur and his son Parampreet Singh @ Garry went to their village Maur Khurd as a demarcation was to be conducted in respect of his land and the same was got conducted with the association of his brother Darshan Singh. Shortly thereafter, Gopi, Lucky Pandit residents of Bathinda, Kindu resident of Kishanpura accompanied by another unidentified person came there in a white coloured i-20 car. Upon demarcation of complainant's land, a portion of land measuring 10 marlas was found to be in possession of complainant's brother Darshan Singh. While they were affixing/installing marks on the demarcated land, an altercation took place amongst Darshan Singh, Gopi etc. and complainant, his son Parampreet Singh @ Garry etc. Darshan Singh raised a '*lalkara*' while stating that the dead-bodies of complainant and others shall go back loaded in a cart. After the said altercation, the complainant and others went to their house. At about 12:30 p.m., when the complainant, his son Parampreet Singh @ Garry, his wife Ramanjit Kaur and his nephew Paramjit Singh were present in their house, then Ravi Inder Singh @ Lali, Raghvir Singh (son-in-law of Darshan Singh) and the unidentified person, who had come in a white coloured i-20 car, entered their house. It is alleged that Raghvir Singh was carrying a 12 bore gun. Gopi and Lucky Pandit armed with 12 bore gun, Kindu and Darshan Singh also entered their house. Darshan Singh raised a '*lalkara*' exhorting his companions that the complainant and others be not spared. Upon which Lucky Pandit fired from his gun towards the complainant. The complainant held the barrel and forced the same

towards ground and consequently the fire hit the ground, though the complainant sustained injuries on his right hand. In the meantime, Ravi Inder Singh @ Lali took out a pistol from his belt and fired towards complainant's son Parampreet Singh @ Garry. The other accused also raised '*lalkaras*' and fired in the air from their respective weapons and left the place of occurrence in white coloured i-20 car. Darshan Singh left the place of occurrence in a white coloured Verna car. The complainant's son Parampreet Singh @ Garry, who was injured, was rushed to hospital, where he was declared dead.

3. Status report by way of affidavit of Shri Rahul Bhardwaj, PPS, Deputy Superintendent of Police, Sub-Division, Maur, District Bathinda has been filed by learned State counsel, which is taken on record.
4. Learned Senior counsel representing the petitioner submitted that the petitioner has falsely been implicated in the present case and that he is neither a co-villager of the accused or of the complainant nor is related to them and nor has anything to do in connection with their property and that, as a matter of fact, he was visiting the village in question so as to meet his maternal uncle and upon hearing the commotion, he had come out to see as to what had happened. It has been submitted that the petitioner was merely a bystander, who has also been involved in the present case.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant submitted that not only the petitioner is specifically named in the FIR, but his presence is also established from the fact that he is seen in the CCTV footage not merely as a bystander, but is seen actively grappling with the accused. Learned State counsel has thus prayed for dismissal of the present petition.

6. This Court has considered the rival submissions addressed before this Court.
7. A perusal of the FIR would clearly indicate that the petitioner is specifically named in the FIR, wherein he is named as ‘Kinda’ being his short name. Though the petitioner claims himself to be a bystander, but it remains unexplained as to how a person, who is absolutely unknown or unrelated to the complainant party would have specifically been named by the complainant. Still further, the video recording of the occurrence as shown to this Court shows that the person identified as ‘Kinda’ is grappling with others. Under these circumstances, having regard to the heinous nature of crime, this Court does not find any special case for grant of regular bail to the petitioner. The instant petition is sans merit and is hereby dismissed.

3.4.2024
Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No