

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CRM-M-65124-2023
Date of decision : 05.01.2024

Darshan Singh @ DC Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Gurbir Singh Sidhu, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case bearing FIR No.1090 dated 01.12.2023, registered for the offences punishable under Section 323, 307, 148 and 149 of IPC and Sections 25 and 27 of Arms Act at Police Station Barnala, District Barnala.
2. As per the contents of the FIR, it has been alleged as under:-

“Statement of Lakhwinder Singh son of Jangir Singh resident of Cheema aged about 30 years Mobile No. 75280-06089, stated that I am the resident of above said address, I work as agriculturist. I am well acquainted with Lakhvir Singh Jasvir Singh son of Jagroop Singh. In the neighborhood of Lakhvir Singh on dated 01.12.2023 today there was a Bhog ceremony of Gurcharan Kaur mother of Sewa Singh son of Gurdial Singh for which Lakhvir Singh called me for work last night on 30-11-2023 in relation to work in the evening. On the same day Lakhvir Singh Suckhchain Singh alias Cheena son of Ram Singh resident of Kaleke was calling

again and again on phone that we have to see you, where will you meet? We kept on avoiding the matter our villager Darshan Singh alias DC son of Sher Singh, Ramandeep Singh son of Balwinder Singh residents of Cheema and Dharminder Singh alias Binder son of Jaspal Singh resident of Dhaula, Sukhchain Singh alias Cheena son of Ram Singh resident of Kaleke and 6/7 other unknown persons came from the house of said Darshan Singh raising Lalkara (shouting) in the street with pistols in their hands. Hearing the voices I and Lakhvir Singh and Jasvir Singh and his mother Sinder Kaur Panch and father Jagrup Singh who were sitting at Lakhvir Singh's house hearing gunshots came out of the gate to see then Darshan Singh, Ramandeep Singh, Dharminder Singh alias Binder, Sukhchain Singh alias Cheena and 67 unknown persons who were armed with pistols and kirpans, gandasas in their hands, who were firing and were coming towards Lakhvir Singh's house, who with the intention to kill fired directly at me, the bullets hit my left arm below the elbow, above the left chest, the left shoulder in the back and the right thigh which and my companion Jasveer Singh in the right inner thigh and my companion Lakhveer Singh with the intention to kill directly fired at right side of the stomach and second bullet near the ribs on left side, below the stomach and right side and fourth bullet above the private part. There was a scream where we fell down. People gathered after hearing the cry. Parminder Singh son of Darshan Singh son of Ajaib Singh residents of Cheema of our village after arranging the vehicles, got admitted us at CH Barnala, where we were given first aid and referred to G.G.S. Medical College, Faridkot, where we are undergoing treatment. The reason behind grudge is that we were having some arguments earlier. We were surities of Sukhchain Singh etc due to which shot have been fired, Statement got recorded read over and heard and is correct sd/- Lakhwinder Singh xxxx”

3. Petitioner has been specifically named in an incident which resulted in 09 gun shot injuries on the body of victim.

4. As per settled law laid down by Apex Court in **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, reiterated in

Sushila Aggarwal and others Vs. State (NCT of Delhi) and another,
2020 (5) SCC 1, the Court while considering his prayer for pre-arrest bail has to consider as to whether the accusation appears to be actuated by mala fides, nature of seriousness of the proposed charges, the role attributed to the applicant and the probabilities of securing presence of the applicant during the course of trial and as to whether there is any apprehension that the applicant will tamper with the witnesses or evidence.

5. It is the aforesaid considerations which need to be balanced by the Courts while considering grant of pre-arrest bail.
6. Keeping in view the seriousness of the allegations which have been levelled against the petitioner, this Court does not find this to be a case for discretionary view for pre-arrest bail.
7. Resultantly, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

05.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No