



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

205-2

CRM-M-6224-2024

Date of decision: 4th April, 2025

Jaswinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. L.M. Gulati, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 254 dated 15.10.2020 registered under Sections 307, 427, 447, 506, 148 read with Section 149 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Majitha, District Amritsar.

2. As per the allegations, on the evening of 13.10.2020, the complainant-Partap Singh was spraying insecticides over the crop grown in his agricultural land when the accused Baldev Singh, with whom he was having a dispute qua land, reached there in a tractor, accompanied by the petitioner-Jaswinder Singh, co-accused Arshdeep Singh, Sukhwinder Singh, Navdeep Singh, Nirmal and 15-16 persons unknown to him. They were armed with weapons. They brought their tractor in the fields of the complainant and on asking of accused Baldev Singh, Nirmal Singh started



ploughing his land and he along with Shamsher damaged crop of peas grown therein. The complainant and his companions Hardeep Singh and Punjab Singh, tried to stop them but then petitioner and Sukhwinder Singh made exhortations and accused Baldev Singh handed over his rifle to Navdeep Singh, who fired a shot upon the complainant and his companions who sustained pallet injuries. Some other shots were also fired but the victims somehow escaped. Clamour being raised by them, attracted Jagtar Singh, who rushed there and then the assailants fled away. The complainant and other injured were rushed to hospital and were provided treatment. After registration of FIR, investigation proceedings were initiated and are underway. A cross case bearing DDR No. 21 was registered on 29.10.2020 against the complainant and some other members of his party. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Amritsar, which was dismissed vide order dated 11.01.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of 36 hours in lodging of the FIR, despite the fact that the injured were opined to be fit to make statement and due to this fact, it is apparent that a false story had been concocted by the complainant party after making due deliberations and confabulations. No firearm injury has been attributed to the petitioner. It is a case of version and cross-version as Baldev Singh, a member of party of the petitioner has sustained four injuries in the incident. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Even otherwise, a compromise has been



arrived at between the parties and there are bleak chances of members of complainant party testifying against the petitioner. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

4. *Per contra*, it is argued by learned State counsel that there are serious and specific allegations against the petitioner, who was armed with a firearm. The complainant along with Hardeep Singh and Punjab Singh had sustained pellet injuries. Custodial interrogation of the petitioner is required for proper investigation of the matter by the police and therefore, it is urged that the petition does not deserve to be allowed.

5. Rival contentions raised made by both the parties have been considered.

6. The allegations against the petitioner are that he was armed with weapon at the time of incident and made an exhortation. There is delay in reporting the matter to the police. It is also reflected from the material placed on record that the complainant Partap Singh and the injured Hardeep Singh and Punjab Singh were medically examined on 13.10.2020. The injuries which were, however, found on their person were superficial lacerations on different parts of body. No specific opinion as to the nature of these injuries has been given and therefore, it cannot be stated that the injuries so sustained were firearm injuries or pellet injuries. A compromise is stated to have been arrived at between the parties and a petition as filed by the petitioner and other co-accused seeking quashing of FIR on the basis of compromise is also pending before this Court. Though, at this stage no relevance can be given to the plea of compromise as its genuineness is yet to be established, however, keeping in view the nature of the allegations, the delay in reporting the



matter to the police, the absence of any evidence to show that any pallets were removed from the bodies of the complainant and the victim and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the pre-trial incarceration of the petitioner is not required. Accordingly, the petition is allowed and the petitioner is ordered to be released on anticipatory bail, subject to his surrendering before the Investigation/Arresting Officer within a period of fifteen days and joining investigation and further subject to his furnishing bonds to the satisfaction of Investigating/Arresting Officer and on his complying with usual terms and conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

4th April, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*