



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

205-3

CRM-M-7109-2024

Date of decision: 4th April, 2025

Baldev Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioners 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 petitioner No.1-Baldev Singh, with whom he was having a dispute qua land, reached there in a tractor accompanied by petitioner No.2 Navdeep Singh, co-accused- Arshdeep Singh, Jaswinder Singh, Sukhwinder Singh, Nirmal and 15-16 persons unknown to him. The petitioner No.1 was armed with 12 bore rifle, whereas, the others were also



armed with firearm, *daangs/sotas*. They brought their tractor in the fields of the complainant and on asking of petitioner Baldev Singh, Nirmal Singh started ploughing his land and he along with Shamsheer damaged crop of peas grown therein. The complainant and his companions Hardeep Singh and Punjab Singh, tried to stop them but then accused Jaswinder Singh and Sukhwinder Singh made exhortations and petitioner No.1 Baldev Singh handed over his rifle to petitioner No.2 Navdeep Singh, who fired a shot upon the complainant and his companions who sustained pellet 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 their arrest, the petitioners moved applications for grant of pre-arrest bail before the learned Additional Sessions Judge, Amritsar, which were dismissed vide order dated 18.12.2023.

3. It is argued by learned counsel for the petitioners that that they have been falsely implicated in this case. Infact there is land dispute between the parties, which is civil in nature and has been given colour of a criminal case. There was delay in reporting the matter to the police despite the fact that the injured were opined to be fit to make statement and due to the same inference is to be drawn that the delay has been utilized in concocting a false story against the petitioners and other co-accused. It is a case of version and



cross-version since on the basis of statement of Davinder Kaur w/o Baldev Singh(petitioner No.1) a cross case has been registered. The medico legal reports do not conclusively show that any firearm injury has been sustained by the victims. No pallets were removed from the persons of either of the alleged injured. The petitioners are ready to join the investigation. Their custodial interrogation is not required. No recovery is to be effected from them. Even otherwise, a compromise has been arrived at between the parties. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-Sate. It is argued by learned Assistant Advocate General, Punjab, that keeping in view the gravity of the allegations as levelled against the petitioners, they do not deserve to be extended benefit of pre-arrest bail.

5. Rival contentions of both sides have been considered.

6. The allegations against the petitioners are that they were armed with weapons at the time of incident and had fired a shot but the same did not hit anyone. 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 pallet injuries. A compromise is stated to have been arrived at between the parties and a petition as filed by the petitioners 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 proved, 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 petitioners is not required. Accordingly, the petition is allowed and the petitioners are ordered to be released on anticipatory bail, subject of their surrendering before the Investigation/Arresting Officer within a period of fifteen days and joining investigation and further subject to his furnish 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	:	Yes / No
2. Whether reportable	:	Yes / No