

2025:PHHC:026275



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

107

CRM M-7000 of 2025 (O&M)

Date of Decision: 06.02.2025

Mandeep Singh Kooner

...Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Mohit Vashishat, Advocate for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 528 read with Section 483(3) of BNSS with a prayer to set aside the impugned order dated 27.01.2025 (Annexure P-3) passed by the Court of Additional Sessions Judge, Ludhiana, whereby, the concession of regular bail has been allowed to respondent No. 2 in case FIR No. 143 dated 04.12.2024 under Sections 109 and 125 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 27 of Arms Act, 1959 registered at Police Station Koom Kalan, Ludhiana.

2. The FIR in the present case was registered on the basis of the statement made by the petitioner and the same has been reproduced below:-

“Statement of Mandeep Singh son of Ajmer Singh resident of Village Kot Gangu Rai Police Station Koon Kalan Ludhiana aged about 38 Phone No. 99154-56515. Stated that I am resident of the above said address and I am doing farming and I am the only brother and on 3-12-24, my uncle's son Gurveer Singh s/o Harbans Singh resident of village Kot Gangurai was married and celebrating Jaago in which our neighbor Jagdeep Singh Cheema son of Malkit Singh resident of village Kot Gangu Rai was also present who was drinking alcohol and fired three shots with his pistol and after that he went to his house and climbed on the roof of the house and who started abusing me from the roof of his house and hit me with a glass, which did not hit me. I forbidden Jagdeep Singh @ Cheema from doing this but he abused me then I also abused him. It was about 11.30 PM when Jagdeep Singh @ Cheema fired three shots at me with the intention of killing me, one of which hit the left side of my forehead. And two fires hit below my left elbow, then I shouted Marta-Marta, then my elder brother Dalveer Singh s/o Balraj Singh, who has been from our house came at the spot. Jagdeep Singh @ Cheema was also abusing him at that time, then Dalveer Singh managed the vehicle and admitted me to Sidhu Hospital Doraha for treatment, where I am undergoing treatment. Reason behind the incident that Jagdep Singh wanted to take my property forcefully but I would not have given Jagdeep Singh such land, because of which Jagdeep Singh came to my house fired with pistol with the intention of killing me. Legal action should be taken verified by SD/- Mandeep Singh”.

3. Learned counsel for the petitioner contends that at about 11.30 p.m. on 03.12.2024, the petitioner had participated in “Jaggo” ceremony on account of marriage of his cousin, namely, Gurvir Singh. Respondent No. 2/accused had also participated in the said Jaggo ceremony and he was under the influence of liquor. The respondent No. 2 opened fire with his pistol. One fire shot missed the forehead of the petitioner, however, second and third fire shots had hit at the left elbow of the petitioner. In fact, respondent No. 2 wanted to grab the land owned by the petitioner and he had fired gun shots with an intention to kill the petitioner. Learned counsel further contends that in fact the respondent No. 2 had admitted the version of the petitioner and 07 empty shells were recovered near the main gate of respondent No. 2, which completely falsifies the self-defence story projected by respondent No.2. The police had also recovered one pistol and 08 live cartridges from his house. Thus, the Court of Additional Sessions Judge had wrongly extended the benefit of bail to respondent No.2.

4. I have heard learned counsel for the petitioner at length and perused the case file properly. After hearing learned counsel, I find no substance in the arguments raised by learned counsel for the petitioner.

5. From the impugned order, it is evident that as per the MLR of respondent No.2/accused, he had suffered nine injuries on his person and the petitioner/complainant had offered no explanation for the same. Still further, as per the submissions made by respondent

No.2, the complainant and other members of the marriage were under the influence of liquor and tried to trespass in the house of respondent No.2, which prompted the respondent No.2 to make phone calls to the police PCR thrice at 10.48 p.m., 11.06 p.m. and 11.30 p.m. During the course of hearing, the record in this regard was placed before the Court. Even, when the police arrived at the spot, the complainant party did not care about the presence of the police, under the influence of liquor and inflicted injuries on the person of the petitioner. The respondent No.2 fired in the air in self-defence and when the complainant party started grappling with respondent No.2, he fired at the petitioner and one bullet had pierced the left elbow of the petitioner. The respondent No.2, who is aged about 74 years was taken in custody on 4th December 2024 and was allowed the concession of regular bail on 15.01.2025. In the meantime, the recoveries had already been effected from the respondent No.2 and there was nothing on record to show that the respondent No.2 is in a position to influence the petitioner or any other witness. Even, he was senior citizen and had suffered incarceration between 04.12.2024 to 27.01.2025 and had also suffered 09 injuries on his person. Thus, the parties were yet to lead evidence with regard to version and cross-version in the present case and the benefit of bail has been correctly allowed.

6. Still further, the Hon'ble Supreme Court has held in the matter of ***M. Dharmarajam and others Vs.State of Telangana and Anr., 2020(1) RCR Criminal, 540*** as follows:-

“6.The factors to be considered while granting bail have been held by this Court to be the gravity of the crime, the character of the evidence, position and status of the accused with reference to the victim and witnesses, the likelihood of the accused fleeing from justice and repeating the offence, the possibility of his tampering with the evidence and witnesses, and obstructing the course of justice etc. Each criminal case presents its own peculiar factual scenario, and therefore, certain grounds peculiar to a particular case may have to be taken into account by the Court. The Court has to only opine as to whether there is prima facie case against the accused. For the purpose of bail, the Court must not undertake meticulous examination of the evidence collected by the police and comment on the same.

*7.In **Raghubir Singh Vs. State of Bihar, (1986) 4 SCC 481** this Court held that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive. It must also be remembered that rejection of*

bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to. 8.It is trite law that cancellation of bail can be done in cases where the order granting bail suffers from serious infirmities resulting in miscarriage of justice. If the Court granting bail ignores relevant material indicating prima facie involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail”.

7. In the present case also, the Additional Sessions Judge has recorded detailed findings and the benefit of bail has been correctly allowed. The impugned order dated 27.01.2025 (Annexure P-3) does not suffer from any illegality, material irregularity or perversity and is liable to be upheld.

8. According, the petition is ordered to be dismissed.

9. All pending applications, if any, are disposed off, accordingly.

06.02.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No