

CRM-M-39217-2024
Reserved on: 13.01.2025
Pronounced on: 30.01.2025

...Petitioner

State of Punjab

...Respondent

Present: Mr. Anupinder Brar, Advocate for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

FIR No.	Dated	Police Station	Sections
42	09.05.2024	Dera Baba Nanak, District Gurdaspur	307 IPC and 25/27/54/59 of the Arms Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 21 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are taken from the reply dated 03.09.2024, which reads as follows:

“That, it is humbly submitted that the brief facts of the case are that the present case was registered on the statement of Sukhjinder Singh who stated that Sukhwant Singh hired him and Jagjit Singh to construct his new house. On 06.05.2024, day Monday, both of them started the construction work and the work of digging & filling of the foundation work was going on. He along with Jagjit Singh and labourer namely Rakesh Kumar, Dharminder Singh and one more person were digging the foundation. Then at about 2:00 PM nephews of Sukhwant Singh namely Ranchawa Harwinder Singh & Jatinder Singh sons of Sukhjinder Singh came there and raised objection to the construction work by saying that their land falls in the area where Sukhwant Singh is constructing house. In the meanwhile Sukhwant Singh also reached there and heated arguments exchanged between Sukhwant Singh and Harwinder Singh & Jatinder Singh. Then Harwinder Singh picked up Sabbal (iron rod) lying besides the labour and Jatinder Singh picked up

bricks and were about to hit Sukhwant Singh, then Sukhwant Singh stepped back and went towards wheat straw verandah and took out pistol which he had already hidden near drum lying in the wheat straw verandah and started firing towards them and when Jagjit Singh was trying to stop them from fighting then the bullet fired by Sukhwant Singh with his pistol hit Jagjit Singh in his chest and as a result of which he fell down. Thereafter, Harwinder Singh & Jatinder Singh gave assault to Sukhwant Singh with the sabbal & bricks, due to which Sukhwant Singh suffered injuries. Thereafter alarm was raised and then Sukhwant Singh along with his weapon as well as Harwinder Singh & Jatinder Singh fled away from the spot. The injured Jagjit Singh was taken to Civil Hospital, Dera Baba Nanak, where doctor referred the injured to Guru Nanak Hospital, Amritsar. However, they took the injured to Life Care Hospital, Amritsar, where Jagjit Singh is being treated. It is stated by the complainant that Sukhwant Singh in order to kill his nephews Harwinder Singh & Jatinder Singh fired gunshots upon them with an intention to kill however the gun shot instead of hitting Harwinder Singh & Jatinder Singh hit on the chest of Jagjit Singh. On these allegations FIR in question has been registered.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. Petitioner's counsel seeks bail on the ground that they have entered into out of Court compromise with the injured person and as such this Court should not deny bail and petitioner's counsel referred the compromise deed Annexure P-2 as per which the parties have entered into the compromise.

6. The State's counsel opposes bail and refers to the reply.

7. The counsel for the State submits that the offence under Section 307 IPC is serious in nature and compromise is not a ground to grant bail in such a serious matter.

8. Although the petitioner has annexed a compromise deed as per which the petitioner has compromised the matter with the victim none represented the victim in this Court. This Court cannot ignore the fact that the bullet fired by the petitioner had hit the vital organ of the victim. A copy of MLR has also corroborates the injuries.

9. It would be appropriate to refer to the following portions of the reply, which read as follows:

“5. That it is humbly submitted that during the course of investigation the spot of occurrence was inspected and site plan was prepared, the statement of witnesses under Section 161 Cr.P.C. were got recorded

6. That it is humbly submitted that gun shot from the pistol of petitioner/accused hit in the chest of Jagjit Singh. The petitioner/accused

suffered injuries at the hands of his nephews namely Hanwinder Singh and Jatinder Singh however those were post gun shot hit to the Jagjit Singh. In case titled 'Harjit Singh Vs. Inderpreet Singh @ Inder and Another' reported in 2021 SCC Online SC 633 wherein Hon'ble Apex Court, while considering discretionary power for grant of bail, observed "The life of an individual living in a society governed by the rule of law has to be regulated and such regulations which are the source in law subserve the social balance and function as a significant instrument for protection of human rights and security of the collective. It is because fundamentally laws are made for their obedience so that every member of the society lives peacefully in a society to achieve his individual as well as social interest. Individual liberty cannot be accentuated to such an extent or elevated to such a high pedestal which would bring in anarchy or disorder in the society. The prospect of greater justice requires that law and order should prevail in a civilized milieu. In an organized society the concept of liberty basically requires citizens to be responsible and not to disturb the tranquility and safety which every well-meaning person desires". Thus analyzed, it is evident that although liberty is a highly valued aspect of an individual's life, it is subject to control and restrictions. No member of society, should act in a way that endangers the life or liberty of others, as the rational collective does not tolerate anti-social or anti-collective behavior. In the present case, the circumstances of the case transfer of malice so as to fixing culpability of the petitioner/accused would definitely attract since alleged offence for which applicant is accused of has resulted into the injury to the victim. Considering the severity of alleged offence and potential punishment the offence attracts and considering the fact investigation of the case is at nascent stage. The petitioner is no entitled for the anticipatory bail."

10. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

30.01.2025
M.Sikka

Whether speaking/reasoned: Yes
Whether reportable: No.