



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-52374-2024 (O&M)
Date of Decision:- 27.01.2025

Lakhwinder Sharma @ Lucky Pandit ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.S.Ahluwalia, Advocate, for the petitioner.
Mr. Siddharth Attri, AAG, Punjab.
Mr. Arshdeep Singh Khadial, Advocate for the complainant.

FIR NO.	DATE	POLICE STATION	OFFENCES
62	21.06.2021	Maur, District Bathinda	302, 452, 506, 148, 149 and 201 (added later on) of IPC and Sections 25, 27 and 54 of Arms Act, 1959

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.



2. The FIR was registered at the instance of Gurbhai Singh, wherein it is alleged that he is having a house as well as landed property in his ancestral village Maur Khurd; that they are four brothers and his younger brother Darshan Singh has a house adjacent to his house and resides in the village. However, the complainant had started residing in Patiala about 40 years back and that in his absence his nephew Paramjit Singh @ Shammy takes care of his property. On 21.6.2021, he alongwith his wife Ramanjit Kaur and his son Parampreet Singh @ Garry went to their village Maur Khurd as demarcation was to be conducted in respect of his land and the same was to be got conducted while associating his brother Darshan Singh. Shortly thereafter, Gopi, Lucky Pandit residents of Bathinda, Kindu resident of Kishanpura accompanied by another unidentified person came there in a white coloured i-20 car. Upon demarcation of complainant's land, a portion of land measuring 10 marlas was found to be in possession of complainant's brother Darshan Singh. While they were affixing/installing marks on the demarcated land, Darshan Singh and Gopi etc. (accused) entered into an altercation with the complainant and his son Parampreet Singh @ Garry etc. Darshan Singh raised a '*lalkara*' while stating that the dead-bodies of complainant and others shall go back loaded in a cart. After the said altercation, the complainant and others went to their house. At about 12:30 p.m., when the complainant, his son Parampreet Singh @ Garry, his wife Ramanjit Kaur and his nephew Paramjit Singh were present in their



house, then Ravi Inder Singh @ Lali, Raghvir Singh (son-in-law of Darshan Singh) and the unidentified person, who had come in a white coloured i-20 car, entered into their house. It is alleged that Raghvir Singh was carrying a 12 bore gun. Gopi and Lucky Pandit, who were armed with 12 bore gun, Kindu and Darshan Singh also entered their house. Darshan Singh raised a '*lalkara*' exhorting his companions that the complainant and others be not spared. Upon which Lucky Pandit fired from his gun towards the complainant. The complainant held the barrel and forced the same towards ground and consequently the fire hit the ground, though the complainant sustained injuries on his right hand. In the meantime, Ravi Inder Singh @ Lali took out a pistol from his belt and fired towards complainant's son Parampreet Singh @ Garry. The other accused also raised '*lalkaras*' and fired in the air from their respective weapons and left the place of occurrence in white coloured i-20 car. Darshan Singh left the place of occurrence in a white coloured Verna car. The complainant's son Parampreet Singh @ Garry, who was injured, was rushed to hospital, where he was declared dead.

3. Learned counsel for the petitioner submitted that he has falsely been implicated in the present case and neither he had any motive to cause injury nor he is related to the complainant or the other co-accused. It has been submitted that although as per the FIR, the petitioner had fired from his gun, but consequent upon the complainant having forced the barrel downward, the shot hit the ground and only hand of



the complainant was injured, but as a matter of fact there is no evidence even to support the said assertion regarding injury on the hand of the complainant. It has thus been submitted that in view of the absence of medical evidence, the presence of the petitioner is clearly doubtful. It has also been submitted that in any case even if all the allegations are taken to be correct, the fatal shot is attributed to co-accused Ravi Inder who was carrying a pistol. It is submitted that complainant Gurbhai Singh as well as eye witness Ramanjit Kaur had already been examined whereas Paramjit and Davinder Singh who were also cited as eye-witnesses have been given up. It has been submitted that the petitioner as of now has been behind bars for the last more than 3 years and 6 months and under these circumstances when he is not even attributed the fatal shot and does not even have a motive and his presence is also doubtful, he deserves the concession of bail.

4. Opposing the petition, learned State counsel submitted that the petitioner is specifically named in the FIR and was carrying a gun and had also fired from the same, no case for grant of bail is made out. It has also been informed that the petitioner stands convicted for one case under Arms Act and is also involved in two cases under Prisons Act. Learned State counsel did not dispute the fact that the petitioner has been behind bars for the last 3 years and 6 months and that all the eye witnesses have either been examined or have been given up.



6. This Court has considered rival submissions addressed before this Court.
7. Having regard to the aforestated position particularly the fact that the fatal shot is attributed to co-accused Ravi Inder and the petitioner cannot even be attributed a motive and to some extent his presence had also been rendered doubtful on account of there being no medical evidence with regard to the alleged injury on the hand of the complainant which is attributed to the petitioner and while also noticing the long custody, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is however, clarified that none of the observations made above shall be taken to be any expression as regards the merits of the case.

27.01.2025

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No