



214 (02 cases)

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

1. **CRM-M-55338-2024**
Narinder SinghPetitioner
versus
State of HaryanaRespondent\
2. **CRM-M-62578-2024**
Gurtej Singh@ KakaPetitioner
versus
State of HaryanaRespondents

Date of decision :02.05.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. A.P.S. Deol, Senior Advocate with
Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. Vijesh Sharma, Addl. A.G., Haryana assisted by
ASI Prithvi Singh.

Ms. G.K. Mann, Senior Advocate with
Mr. Hakam Singh, Advocate and Mr. Amit Sanghi, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, I intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.
2. Petitioners have approached this Court praying for grant of regular bail to the petitioners in case FIR No.548 dated 11.08.2024 under Sections 109(1), 190, 191(2),191(3), 351(2), 61, 191(1), 132, 221, 121(1) of BNS, 2023 and Section 215 of BNS added later on and Section 25 of Arms Act, registered at Police Station Rania, District Sirsa.



3. The facts, in brief, are that the present FIR was registered on the complaint of complainant Karan Singh. It was alleged that on 11.08.2024 at about 06:00/6:30 AM, he along with Dhyan Singh son of Dharam Singh, Gurdeep Singh son of Avtar Singh, Sahab Singh son of Jeet Singh, Kuldeep Singh son of Davender Singh, Sukhchain Singh son of Balkar Singh, Prem Singh son of Mohan Singh, Karamjeet Singh son of Darshan Singh along with some other devotees, were pouring fertilizer to the paddy crop in the fields of Langar Gurudawara Bhaini Sahab, which is adjacent to the land of Dera Jiwan Nagar and after applying fertilizer they were having refreshment, then at about 7:30 AM, Gurdev Singh @ Kanda, Gyan Singh, Maha Singh, Savinder Singh @ Balla Barandiya, Surjit Singh, Gurdev Singh Nasoriya, Jagdev Singh Panch, Doctor Ranjeet Singh UP wala, Balkar Singh, Harvinder Singh @ Mitthu, Harpal Singh, Harpej Singh @ Peja driver, Karnail Singh, Harvinder Singh @ Hira Panch, Gurtej Singh @ Kaka, Kuldeep Singh, Jaspal Singh, Major Singh and other 20-25 unknown persons, came there. Gurdev Singh @ Kanda was having gun, Gyan Singh was having revolver, Jagdev Singh was having Rifle, Harvinder Singh @ Mitthu was having Rifle, Doctor Ranjit Singh was having Gun and other persons were carrying sword and Kappa etc. Then Gurdev Singh @ Kanda and Harvinder Singh @ Mitthu gave Lalkara that they will not let anyone go alive and at the same time everyone started firing at complainant and his companions with the weapons in their hands. Gurdev Singh @ Kanda fired a gun shot at complainant which hit on his mouth, the fire shot by Harvinder @ mitthu hit Dhyan Chand, Jagdev Singh gave a firearm injury from his Rifle to Sukhchain and all the said persons indiscriminately fired upon them, due



to which, Gurdeep Singh, Harpal Singh, Karamjeet Singh and Sahab Singh sustained firearm injuries. During this incident, the police also reached at spot and all the above said persons fired gunshot upon the police vehicle as well. Thereafter, all the accused persons kept firing gunshots with their weapons. On hearing the noise of gunshots, the passer-by started gathering at the spot and the aforesaid persons ran away from that place along with their respective weapons. Thereafter, Gurlal Singh son of Harpal Singh and Ranjeet Singh son of Amar Singh arranged a vehicle and got complainant and other injured persons admitted in Government Hospital Sirsa from where they were referred for further treatment. The complainant further stated that the above named accused persons wanted to occupy the land of Langar Gurudawara Bhiani Sahab and that is why they have fired gunshot upon the complainant and his companions with the intention to kill them. Request was made to take legal action against the culprits. On the basis of above complaint, the FIR was registered against the accused persons and investigation commenced. During investigation, the petitioners were arrested on 22.09.2024 and 22.08.2024, respectively. They approached the Ld. Additional Sessions Judge, Sirsa, for grant of bail, however, after hearing both the sides, their bail applications were declined by the Ld. Additional Sessions Judge, Sirsa vide orders dated 07.10.2024 and 29.11.2024, respectively. Aggrieved by the same, petitioners are before this Court by way of filing the present petition. However, it is apposite to mention here that petitioner-Narinder Singh is on interim bail, granted by this Court vide order dated 09.01.2025 for a period of one month, on account of his medical health.



4. Learned Senior counsel for the petitioner has submitted before this Court that the petitioner has been falsely implicated in the present case. He submits that the occurrence in the present case had taken place on 11.08.2024, wherein the complainant has mentioned number of accused and the specific role had also been attributed to some of the accused of having duly armed with the fire weapon and had fired. It is submitted that on 12.08.2024, the statement of the injured-witness, namely, Karamjeet Singh was recorded. He submits that the allegations as made in the FIR were reiterated, however, neither any role was attributed to petitioner-Gurtej Singh @ Kaka nor to petitioner-Narinder Singh. It is submitted that hereinafter on 15.08.2024, the statement of another injured-witness was recorded and it is for the first time that petitioner-Narinder Singh was mentioned as one of the accused in the occurrence as alleged. He submits that in a due deliberated manner the name of the petitioner-Narinder Singh was not only included as an accused but also he was allegedly assigned a role of firing. He submits that the petitioner is the vice president of the society i.e. Satguru Partap Trust and his name neither figured in the FIR nor in the statement of the first injured, which was recorded on 12.08.2024. As evident, it was on 15.08.2024, he was arrayed as an accused. He submits that the petitioner has no criminal antecedents and it is on account of a civil dispute which pertains to the land which belongs to the society, the present occurrence took place. He submits that the present case is of version and cross-version and which party was aggressor, would be assessed only after the weighing of the evidences by the trial Court. He has also drawn the attention of this Court to the medical record of the petitioner-Narinder Singh who is suffering from



cancer and it is on account of the same, he was granted interim bail by this Court. He submits that investigation is complete and thus, in the facts and circumstances, keeping in view the false implication of the petitioners, they deserve to be granted bail.

5. Learned Senior counsel for the complainant, however, vehemently opposed the same. She submits that the petitioners along with the co-accused had open a blatant attack on the complainant's side in which there are 08 injured. She has submitted that both hands of one of the injured are also chopped off due to the injuries suffered at the hand of the petitioner's side. She submits that the name of petitioner-Gurtej Singh @ Kaka, is duly mentioned in the FIR as he was part of an unlawful assembly along with the co-accused. She submits that police vehicles were also hit by the firing done by the petitioner's side. She submits that though investigation is complete, however, the charges are yet to be framed and thus, keeping in view the gravity of offence, no case is made out for granting bail to the petitioners.

6. Learned State counsel also on the same line, has opposed the submissions made by learned counsel for the petitioners. He has drawn the attention of this Court to the status report filed. He submits that the complicity of both the petitioners was duly established during the investigation. He further submits that in all there were 03 fire arm weapon recovered during the investigation which belongs to Ranjit Singh and Gurbachan Singh. He submits that initially 24 accused were named in the FIR and during investigation 12 were found innocent; out of which 09 have been arrested; 02 of the accused have been granted anticipatory bail and 03 of the accused are yet to be arrest. It is submitted that challan *qua*



the arrested accused have been filed, however, charges are yet to be framed. He has produced the custody certificates of the petitioners.

7. Heard. On hearing counsel for the parties and perusing the record, it is apparent that the occurrence in the present case had took place on 11.08.2024. Admittedly the case in hand is of version and cross-version. The petitioners are facing prosecution in FIR No.548 for the offence under Sections 109(1), 190, 191(2),191(3), 351(2), 61, 191(1), 132, 221, 121(1) of BNS, 2023 and Section 215 of BNS added later on and Section 25 of Arms Act where as at the behest of petitioner's side, the complainant's side is facing the prosecution in FIR No.547 for the offence under Sections 115, 190, 191(2), 191(3), 329(3), 351(2) of BNS, 2023 and Section 25 of Arms Act. As submitted before this Court, petitioner-Gurtej Singh @ Kaka, though his name was mentioned in the FIR, however, no overt act has been alleged against him. The name of petitioner-Narinder Singh neither was found mentioned in the FIR nor in the first statement of injured statement recorded on 12.08.2024, however, his name had surfaced for the first time in the second supplementary statement i.e. on 15.08.2025. On perusal of the medical record, it is also established that he is a cancer patient. Both the petitioners have no criminal antecedents as per the custody certificates.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeed in making out a case for grant of regular bail.



Accordingly, interim bail granted to the petitioner-Narinder Singh vide order dated 09.01.2025 is made absolute and petitioner is ordered to be released on bail on his already furnished bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate at the time of his release on interim bail. Petitioner-Gurtej Singh @ Kaka has been granted the concession of regular bail and he is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

- 9. Petitions stand allowed.
- 10. A photocopy of this order be placed on the file of connected case.

02.05.2025
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(RAJESH BHARDWAJ)
JUDGE

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