

2025-PHHC:046986



211.

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

CRM-M-63449-2024

Date of decision: 04.04.2025

Dilpreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ram Parkash Dhir, Advocate for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.94, dated 22.07.2017, under Sections 307, 34 of IPC and Sections 25, 27, 30, 54, 59 of Arms Act, registered at Police Station Chabbewal, District Hoshiarpur.

2. Learned counsel for the petitioner has contended that the case arises out of a version and cross-version between parties involved in a civil dispute concerning agricultural land. It is submitted that the complainant party, armed with weapons and allegedly accompanied by gangsters, arrived at the site with the intention to take possession of the land in dispute, despite pendency of civil proceedings. It has been further asserted that the complainant party not only tried to forcibly plough the fields but also attempted to misbehave with the women of the accused party's

household. It is further submitted that a cross-version was promptly registered by the accused party in relation to this occurrence.

3. Reliance has also been placed on a police inquiry report dated 13.11.2017 (Annexure P-6) by the learned counsel for the petitioner wherein the police gave a favourable report in favour of the complainant party. It is argued that the complainant party initiated the occurrence by firing upon the accused, and that the petitioner was not even present at the scene, having travelled to Amritsar to catch a flight to Dubai. It is claimed that in the face of an unprovoked and aggressive attack by the complainant party, co-accused, Joga Singh, opened fire in exercise of the right of private defence.

4. Learned counsel for the petitioner has not disputed that the petitioner was declared a proclaimed offender after the registration of the FIR in question, though he has argued that such order was passed in his absence while he was abroad. It has been further submitted that the petitioner eventually returned to India and surrendered before the learned JMIC on 25.10.2024. It has been still further contended that the final report has been presented, but a supplementary challan is still pending, and there is no immediate prospect of the trial concluding. Therefore, the petitioner deserves to be extended the concession of bail.

5. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted by the learned State counsel that a perusal of the FIR, annexed as Annexure P-1, clearly reveals that the petitioner is not only specifically named in the FIR but has been attributed a clear and active role in the

alleged offence. Allegedly, the petitioner along with his father, Joga Singh, arrived armed at the place of occurrence, raised a *lalkara*, and at the instigation of co-accused, Joga Singh, the petitioner fired at the son of the complainant, Bhupinder Singh, causing firearm injuries to his face and chest. A second shot was also fired towards the complainant himself. Learned counsel for the State has submitted that multiple shots were fired by the accused party before they fled from the spot. Furthermore, it has been asserted, on instructions, that the injuries sustained by the complainant party, particularly gunshot wounds corroborated by medical evidence, lends prima facie credence to the allegations.

6. Learned State counsel has still further submitted that the version of private defence is an afterthought, as no injury whatsoever was sustained by any person from the accused side. Thus, the plea of private defence is not supported by any prima facie material. It has also been pointed out that the petitioner remained absconding for nearly six years and was declared a proclaimed offender, thereby causing considerable delay in the proceedings. Learned State counsel submits that there is a genuine apprehension that if released on bail, the petitioner may again abscond or attempt to influence or intimidate witnesses; given the ongoing civil dispute, it is also apprehended that further harm may be caused to the complainant party.

7. On a specific query put to learned counsel for the petitioner regarding any injury sustained by the accused party during the alleged occurrence, he merely reiterated his earlier submissions, relying solely on

the findings of the police inquiry (Annexure P-6) to suggest that the complainant party was the aggressor.

8. I have heard learned counsel for the parties and perused the material placed on record.

9. This Court finds no ground to extend the concession of regular bail to the petitioner at this stage.

10. The petitioner was declared a proclaimed offender and remained absconding for nearly six years, only surrendering before the learned JMIC in October, 2024. The allegations against the petitioner are grave and specific. He is named in the FIR (Annexure P-1, and a clear and direct role has been attributed to him in the incident. The version of the complainant is prima facie supported by the medical evidence indicating firearm injury suffered by the complainant party, particularly the son of the complainant. In contrast, the material on record shows, and has also not been disputed by the learned counsel for the petitioner, that not a single person from the side of the accused sustained any injuries during the incident, which significantly weakens the plea of private defence sought to be raised by the petitioner, at this stage.

11. The contention that the petitioner was not present at the scene, having allegedly travelled to Amritsar to catch the flight to Dubai, is a matter of defence that cannot be conclusively determined at the present stage. The matter requires appreciation of evidence at trial.

12. In light of the serious allegations, the prolonged abscondance of the petitioner, and the possibility of the petitioner influencing the

witnesses or attempting to obstruct the trial, no case is made out for grant of regular bail to the petitioner at this juncture.

13. Present petition stands dismissed accordingly.

14. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 04, 2025
sanjeev

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