

Sukhpreet Singh Versus State of Punjab

**In the Court of Sh. Lalit Kumar Singla,
Additional Sessions Judge, Jalandhar. (UID No. PB0104).**

CIS Number	BA/2616/2023
CNR number	PBJL01-006765-2023
Date of Institution	17.05.2023
Date of Order	29.05.2023

Sukhpreet Singh aged about 27 years son of S. Pal Singh, resident of village Sahlapur, Post Office Sandhawal, Tehsil Shahkot, District Jalandhar.

..... Applicant/accused

Versus

State of Punjab

...Respondent.

**FIR No.06 dated 05.01.2023
Under Section 307/336/148/149 IPC &
Section 25 of Arms Act, 1959.
Police Station Shahkot, Jalandhar (Rural)**

First bail application under Section 438 Cr.P.C.

Present: Sh.Balwinder Singh Thapar, Advocate for applicant-accused.
Sh. APS Dhillon, Addl. PP for the State.
Sh.Jagdeep Singh, Advocate for complainant-injured Arshdeep Singh.
Sh.Rajesh Kumar, Advocate for injured Vinod Kumar @ Mota.

ORDER:

This order of mine shall dispose of an application seeking bail under Section 438 Cr.P.C. moved by applicant/accused Sukhpreet Singh, in the above noted case.

2. Notice of the bail application was given to State of Punjab, upon which learned Additional Public Prosecutor for State has opposed bail application. Record perused.

3. Concisely stated, on 04.01.2023 complainant Arshdeep Singh along with Vinod Kumar @ Motta and Rajwinder Singh @ Inda had gone to the house of Gurwinder Singh @ Ginda to see a 'Nagar Kirtan' at the instance of Harry and Gurwinder Singh @ Ginda. Due to previous enmity of Gurwinder Singh @ Ginda, they had fixed a time near the house of Gurwinder Singh @ Ginda for compromise. They reached at the stipulated time. From the rival side, 20 persons alighted from the car and motorcycles. In the mean time, Surjit Singh @ Baba gave a push to complainant Arshdeep Singh, resulting in altercation;

Surjit Singh @ Baba made a fire from his mouser upon Arshdeep Singh with intent to kill him, which hit on the left ankle of Arshdeep Singh. Thereafter, Inderjit Singh, Laddu Hundal and Sukhpreet Singh Grewal made fires from their respective pistols, which hit in the abdomen of Vinod Kumar and on the right thigh of Rajwinder Singh. Thereafter, all the assailants fled away from the place of occurrence with their respective weapons;

As per the cross version, on 04.01.2023 Harjinder Singh @ Jindu along with Raju Chacha, Rajbir Singh, Inderjit Singh, Surjit Singh had come to Malsian to see 'Nagar Kirtan', where Gurwinder Singh @ Ginda and Harwinder Singh @ Hinda had come there to get the matter compromised. When they reached near the house of Gurwinder Singh @ Ginda for compromise, Harwinder Singh @ Hinda gave a push to Harjinder Singh @ Jindu, resulting in

altercation. Thereafter, Jashanpreet Singh @ Jashan made a fire with intent to kill Harjinder Singh @ Jindu, which hit on the right thigh of Harjinder Singh @ Jindu. Thereafter, Harwinder Singh @ Hinda, Gurinder Singh @ Ginda, Arshdeep Singh, Ballu along with some unidentified persons, who were also armed, continued to make firing upon Harjinder Singh @ Jindu etc., and thereafter fled away from the place of occurrence after throwing bricks upon them.

4. Learned counsel for the applicant/accused has vehemently contended that the applicant/accused has been falsely implicated in the alleged crime. Allegedly, both the parties made firing upon each other. So, it cannot be determined who is the aggressor between the two. Moreover, the matter has been compromised. Still applicant-accused is ready to join the investigation, so he may be extended benefit of pre-arrest bail.

5. On the contrary, learned Addl. PP for the State could not controvert the factum of compromise between the parties, but prayed for the dismissal of bail application, keeping in view the gravity of crime.

6. Having considered the arguments of both sides in the light of record available on file, I have found that a party headed by Arshdeep Singh and other party headed by Harjinder Singh @ Jindu had assembled near the house of Gurwinder Singh @ Ginda to get the matter compromised qua previous enmity, where both the parties engaged in altercation. Surjit Singh @ Baba made a fire with his dasti

mouser upon Arshdeep Singh, at whose instance the impugned FIR has been registered, which hit on his left ankle. Thereafter, Inderjit Singh, Laddu Hundal and Sukhpreet Singh Grewal made fires with their respective pistols, which hit on the accomplices of complainant namely Vinod Kumar in his abdomen and Rajwinder Singh on his right thigh.

7. Accused Harjinder Singh @ Jindu complainant of cross version case received a pistol injury on his right thigh from Jashanpreet Singh @ Jashan, whereas accused Gurwinder Singh @ Ginda, Harjinder Singh @ Hinda, Arshdeep Singh and Ballu along with unidentified persons made firing. The alleged injury with pistol upon Harjinder Singh @ Jinda has been attributed to accused Jashan on his right thigh.

8. Now the matter has been compromised between the parties vide compromise deed Ex.CX. Sh. Jagdeep Singh Rai, Advocate for complainant-injured Arshdeep Singh is present before the court, who has suffered a statement to the effect that the instant case was registered on the statement of complainant-injured Arshdeep Singh, who is now in custody. However, Harjinder Singh @ Jindu is complainant-injured of the cross version, who is also in custody. The matter has been compromised between the parties vide compromise deed dated 17.04.2013, copy of which is Ex.CX. The interim bail of accused Harwinder Singh has been granted by Hon'ble High Court of Punjab & Haryana vide order dated 20.04.2023 on the basis of

settlement between the parties. Both the parties have buried their hatches between them. He has no objection if applicant-accused Sukhpreet Singh may be granted bail.

9. Injured Vinod Kumar @ Mota along with his counsel Sh. Rajesh Kumar, Advocate has also suffered a statement to the effect that the instant case was registered on the statement of complainant-injured Arshdeep Singh and injured Vinod Kumar @ Mota, who are now in custody. However, Harjinder Singh @ Jindu is complainant-injured of the cross version, who is also in custody. The matter has been compromised between the parties vide compromise deed dated 17.04.2013, copy of which is Ex.CX. The interim bail of accused Harwinder Singh has been granted by Hon'ble High Court of Punjab & Haryana vide order dated 20.04.2023 on the basis of settlement between the parties. Both the parties have buried their hatches between them. He has no objection if applicant-accused Sukhpreet Singh may be granted bail.

10. The fact that matter in dispute has been settled between the parties is also evident from the copy of order dated 20.04.2023 passed by Hon'ble High Court of Punjab & Haryana. The alleged compromise between both the parties is a mitigating factor and has wiped off the heat between the parties.

11. Implication of applicant-accused in the alleged crime is yet to be ascertained on record on merits during the course of trial. Still applicant-accused is ready to join the investigation.

12. Keeping in view these circumstances, accused/applicant is directed to join the investigation within the period of five days. On his doing so, he is directed to be released on interim bail to the satisfaction of the arresting officer/SHO concerned, subject to the following conditions:

- a) That he will not tamper with the prosecution evidence and will not offer any threat, promise or inducement, directly or indirectly to any of the person acquainted with the facts of the case, dissuading them from disclosing the same to the court/ investigating agency; and
- b) That he will not leave the limits of India without prior permission of the court.
- c) That he will come present as and when called by the investigating officer for the purpose investigation.

13. It is made clear that if the applicant-accused failed to comply with the directions of this court, then this order shall stand automatically cancelled.

14. Let the investigating officer along with police file be summoned for 05.06.2023. Copy of the order be sent to police station, through learned Addl. PP for the State, for compliance.

Pronounced
Dated:29.05.2023
Vivek*

(Lalit Kumar Singla)
Additional Sessions Judge, Jalandhar
UID No. PB00104.