

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7182-2025
Reserved on: 10.03.2025
Pronounced on: 20.03.2025

Mandeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Dheeraj Mahajan, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
117	13.12.2024	Sadar Gurdaspur, Distt. Gurdaspur	103(1), 109, 191(3), 190 of BNS

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 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are taken from the status report filed by the State, which reads as follows:

“5. That it is humbly submitted that the brief facts of this case are that Smt. Sandeep Kaur w/o Surjit Singh r/o Jeewanwal, Police Station Sadar Gurdaspur, District Gurdaspur was got recorded her statement to ASI Harminder Singh on 13.12.2024 that a plot measuring about 1½ Kanals belonging to one person namely Seera resident of village Jeewanwal, is situated near the house of the complainant. The said plot has been taken on lease by the petitioner namely Mandeep Singh son of Harjit Singh and Jagdeep Singh son of Harjit Singh. However, one Surinder Singh son of Mohan Singh has got the share to the extent of 05 marlas in the said plot. The panchayat had allegedly fixed the marks demarcating the areas of the

co-owners. Surinder Singh alias Kaku wanted to construct the boundary wall around the land measuring 05 marlas i.e. the land of his share. At about 2:00 p.m., the petitioner namely Mandeep Singh son of Harjit Singh armed with datar, Jagdeep Singh son of Harjit Singh armed with datar, Ranjit Singh son of Karnail Singh armed with kirpan, Daljit Kaur wife of Mandeep Singh armed with brick, Simranjit Kaur wife of Ranjit Singh armed with brick, and Sandeep Kaur d/o Karnail Singh armed with brick reached the spot. Ranjit Singh had brandished his kirpan and had exhorted his co-accused that Surinder Singh be taught a lesson for occupying their land. The Surjit Singh (husband of the complainant) went forward to save Surinder Singh from them. The petitioner namely Mandeep Singh and Jagdeep Singh gave blows with their datars on the head of Surjit Singh (now deceased). Surjit Singh had fallen down. When the complainant tried to save her husband, Daljit Kaur, Simranjit Kaur and Sandeep Kaur threw the bricks towards the complainant and her husband Surjit Singh. On seeing the people assembling on the spot, the accused went away with their weapons.

6. That it is humbly submitted that MLR No.1054/KP/13/12/2024/CHGSP dated 13.12.2024 of Surjit Singh, 04 injuries were mentioned and kept under observation. Injury No. 1 & 2 Sharp and injury No 3 & 4 for Blunt.

7. That it is humbly submitted that as per statement of the complainant, a case FIR No. 117 dated 13.12.2024 under section 109,191(3),190 BNS was registered against the 1) petitioner and 2) Jagdeep Singh, 3) Ranjit Singh, 4) Daljit Kaur, 5) Simranjit Kaur and 6) Sandeep Kaur at Police Station Sadar, Gurdaspur.”

4. The petitioner’s counsel submits that the land where incident took place belongs to petitioner and complainant side came to take forcible possession. This fact is also mentioned by the learned Sessions Judge in its order dated 27.01.2025 while dismissing bail of the petitioner. He further submits that the person in blue track suit with yellow turban in the CCTV footage is the deceased Surjit Singh who is armed with the dattar and is seen hitting wife of the petitioner and other female members of the house and the person in blue jean, red shirt and black turban is nephew of Surjit Singh (deceased) and he took out pistol from his dub and fired at the petitioner in abdomen. In the CCTV footage, petitioner is not present as he came at the spot subsequently when he heard noise and found back and saw that deceased along with his accomplices have attacked female members to take possession of the land. He further submits that from the aforesaid CCTV footage it is clear that the complainant party is aggressor party who came on the land of the petitioner to take possession, started hitting female members with sharp edge weapons and when the petitioner came, he was shot in the abdomen. Thus, the applicant/

petitioner has clear case of right of private defence.

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

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

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

"13. ROLE OF THE PETITIONER

The petitioner namely Mandeep Singh and co-accused Jagdeep Singh gave blows with their datars on the head of Surjit Singh (now deceased) i.e. injury No 1 & 2 and offence under section 103(1) BNS is made out against the petitioner."

8. The complainant's counsel also opposes the bail and submits that during the course of treatment of Surjit Singh succumbed to injuries, as he suffered serious injuries on his head. As per the PMR "the cause of death in this case in our opinion is antemortem head injury which is sufficient to cause death in ordinary course of nature". Hence the offence under Section 103(1) was added in this case vide GD No 07 dated 20.12.2024. He submits that the petitioner and Co-accused Jagdeep gave blows with their Datar on the head of Surjit Singh (now deceased) i.e Injury no 1 & 2 so the offence under section 103(1) BNS is made out against the petitioner as the petitioner is the main accused and has not been arrested and the recovery of the weapon (datar) is yet to be effected and the co-accused is yet to be arrested. So in view of the totality of the circumstances as well as seriousness of the offence, no ground is made out to extend the benefit of bail to the petitioner. Hence the present petition is liable to be dismissed. He further submits that as per the injuries, petitioner is the main accused along with other co-accused who have given direct blows on the head of the deceased with the "Datar". On this sole ground only the learned Sessions Court, Gurdaspur on 27.01.2025 has dismissed the Bail application filed by the petitioner. Therefore, he prays for dismissal of this petition.

REASONING:

9. There are specific allegations against the petitioner that he along with his co-accused Jagdeep Singh gave datar blows on the head of deceased Surjit Singh. As such, the petitioner is not entitled to the benefit of 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.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

20.03.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.