



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-38132-2024

Date of decision: 23.09.2024

Gurjant Singh @ Laddi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navkiran Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.35 dated 05.05.2022 under Sections 302, 326, 325, 324, 323, 201, 148, 149 of the IPC registered at Police Station Qadian, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case for allegedly being part of an unlawful assembly which attacked the complainant party, resulting in injuries on four persons and the death of one person, Joga Singh (hereinafter referred to as 'deceased'). Learned counsel has submitted that although the petitioner has been named in the FIR in question, however, unexplained delay of more than 34 hours in the filing of the FIR clearly hints towards a fabricated



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version having been brought forth by the complainant party on account of a previous land dispute between the parties.

3. It has been further submitted by learned counsel for the petitioner that even though the petitioner has been in custody since 11.05.2022, the trial has not concluded, and there is still no likelihood of the trial concluding in the near future as 10 prosecution witnesses remain to be examined, hence, further incarceration of the petitioner would serve no useful purpose, moreso when there can now be no likelihood of the petitioner trying to tamper with evidence or influence the prosecution witnesses as the material witnesses stand examined.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that the petitioner is in fact one of the prime accused in the occurrence in question which was a premediated attack; the petitioner in collusion with the co-accused went to the place of occurrence armed with lethal weapons; the petitioner was not only specifically named but was armed with a *gandasi* with which he inflicted multiple injuries on the two injured witnesses PW2-Harpreet and PW3-Amanpreet Singh. Besides this, the petitioner also inflicted various injuries on the person of the deceased, including his forehead and head. In support, learned State counsel has drawn the attention of this Court to the FIR which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

“Statement of Charan Singh son of Sulakhan Singh, resident of village Kahlwan, Police Station Qadian, aged 66 years, Mobile No.89685-23177. Stated that I am resident of above said address and an agriculturist by



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profession and our residential accommodation is at Dera. Our dispute with Gurmukh Singh son of Ajit Singh resident of Kahlwan is pending since a long time in regard to passage that leads to our house and 3/4 days earlier, Gurmukh Singh lodged a complaint against us on the issue of burning of stubble residue and we were called to police station Qadian on 04.05.2022 regarding the complaint and me and my sons Harpreet Singh, Amanpreet Singh and my nephew - Joga Singh son of Major Singh were going to police station Qadian on 04.05.2022 on our respective motorcycles. That when we reached the way that leads to government Hospital Qadian, time at about 10.30 AM then Gurmukh Singh son of Ajit Singh carrying Sword, Kulwant Singh @ Heera son of Gurmukh Singh carrying Datar, Jaswant Singh @ Sonu carrying Spade and wife of Jaswant Singh @ Sonu carrying Daang, Dharam Kaur wife of Gurmukh Singh carrying Sword, Gurdial Singh @ Sabi son of Lakhwinder Singh carrying Datar, Gurjant Singh @ Laddi son of Lakhwinder Singh carrying Gandasi, residents of Kahlwan were standing there and looking at us. On seeing us, above said Gurmukh Singh raised Lalkara and said - catch them, they should not left unhurt and we in our defence ran towards the fields where sugarcane were sown after throwing our respective motorcycles but they all gathered around us while we were empty handed, they attacked us and Kulwant Singh gave blow of his Datar to me which hit on my right knee, then Dharam Kaur above said gave blow of her sword on me and I raised my right hand forward in my rescue then the blow of her sword hit on fingers of palm of my right hand, then Gurmukh Singh gave me blow of his Sword which hit backside of head near ear and I fell on the ground and wife of Jaswant Singh @ Sonu gave 2 consecutive blows of her dang to me which hit backside of my right shoulder and I raised my hand in my rescue which hit on thumb of my right hand. Then both my sons Harpreet Singh, Amanpreet Singh and grandson of my brother namely Gurmeet Singh son of Gurmej Singh, resident of Kahlwan reached the spot on hearing uproar/commotion and the above said persons started beating them also; on seeing bye-passers gathering on the spot, the above said accused fled from the spot with their respective weapons and later on, grandson of my brother namely Gurmeet Singh arranged a vehicle and got all of us admitted at Government Hospital Qadian, where the doctor referred us to Guru Nanak Dev Hospital after seeing my serious condition and I and both of my sons namely Amanpreet Singh and Harpreet Singh are under treatment at Guru Nanak Dev Hospital, Amritsar and my nephew Joga Singh is unconscious due to inflicting of several injuries on his



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head reached at Amandeep Hospital, Amritsar where he is under treatment. I have got my statement recorded, which is correct. Claim that strict action be taken against above said accused. Sd/- Charan Singh, verified sd/- Sukhdev Singh ASI, Police Station Qadian, dated 5.5.2022.”

5. Learned State counsel has also drawn the attention of this Court to the depositions of the material witnesses who sustained injuries in the occurrence in question (Annexures P-3 to P-5). It has been submitted that all the material witnesses while stepping into the witness box had supported the case of the prosecution and reiterated the allegations levelled against all the accused including the petitioner. He submits that it was a brutal attack carried out by the accused party. Learned State counsel has still further submitted that since all the material witnesses stand examined and only formal witnesses remain to be examined, there is every likelihood that the trial would conclude in the near future. A prayer has been made for dismissal of the instant petition.

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

7. A perusal of the allegations levelled in the FIR prima facie reveal that there are serious and specific allegations against the petitioner who along with the co-accused carried out a premediated attack leading to the death of one person and injuries on two others. Only formal witnesses remain to be examined and hence, the trial would not take much time to conclude now. Given the active role attributed to the petitioner in the crime in question and the nature of



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injuries attributed to him on both the deceased and the stamped witnesses, this Court does not deem it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is hereby dismissed.

9. 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.

10. At this stage, learned counsel for the petitioner has prayed for the time bound conclusion of the trial keeping in view the fact that the petitioner has now been in custody since 11.05.2022.

11. The learned Trial Court shall make earnest efforts to conclude the trial at the earliest.

23.09.2024

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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