



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4194-2025 (O&M)
DECIDED ON: 24.07.2025

GURINDER SINGH @ GORA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Arun Rana, Advocate
for the petitioner.

Mr. Rajiv Verma, Senior DAG Punjab

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 483 BNSS, for grant of regular bail to the petitioner in case bearing FIR No. 2 dated 13.01.2022, U/s 302, 323, 324, 201 & 34 of the IPC 1860, registered at the P.S. of Dhilwan, District Kapurthala, Punjab.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Ajay Singh son of Joginder Singh resident of Padde Bet, Police Station Dhilwan, District Kapurthala, age about 22 years old, mobile number 99150-95428. Stated that I am the resident of the above stated address and work at Bhila Factory. That on date 7.01.2022 around 10:30pm, I came with my uncle's (taya's) son, brother Saroop Singh son of Jarnail Singh resident of Padde Bet. Watched a marriage and came

from Kapurthala back to our Village Padde Bet, where we stopped my car at my Village Jajj house and I came out of my car and then Gurinder Singh s/o Surinder Singh r/o Padde Bet with a musladattar, Jagdeep Singh alias Jagga son of Sukhdev Singh resident of Padde Bet with a musla kirpan, all of sudden came out from house of Vicky s/o Charanjit Singh and shouted out loud "grab Ajay Singh, let's show them the previous fightings enjoyment". And then the above Gurinder Singh hit me with his dattar, when I tried to step aside, the dattar hit me on the head above my left ear. At the same time, Jagga also hit me with his kirpan, I tried to protect myself by raising my left arm and I was hit above the middle finger of my left hand. During that time my brother yelled "maar ditta maar ditta". Hearing those shouts, my brother Dharminder Singh and my father Joginder Singh reached at the spot. My father stepped in between and tried to stop Gurinder Singh and Gurinder Singh got my father with his dattar, which hit his forehead and nose. Saroop and I tried to stop Gurinder and then Jagdeep alias Jagga hit my brother Dharminder Singh with his kirpan, which hit him on his hair on the left side. Within that time, trying to save us, above Gurinder Singh hit my father Joginder Singh on his head twice. Hearing our shouts "maarditta maar ditta" our whole family reached outside, seeing them arriving, the attackers ran off from the spot with their weapons. Then my brother Saroop Singh and other family members furnished a vehicle and took me, Dharminder Singh, and my father Joginder Singh to the hospital and got us admitted at civil hospital. Where the doctor produced MLR and my father was in serious condition and the doctor referred him to Bolath 2, Civil Hospital, Jalandhar. When we reached the civil hospital Jalandhar, then the doctor on duty seeing the serious condition of my father Joginder Singh, told us to go to another hospital. Then we took my father to Oxford hospital Jalandhar on 08.01.2022, where he was observed. Today on

date 13.01.2022, at around 7am in the morning, my father Joginder Singh had died during his treatment. The reason of revenge is that the above accuseds have always been in dispute with us, this is why they hurt us. It is requested that the police take action."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits the petitioner has been falsely implicated in the present case and there is delay of 5 days in lodging the FIR, as the alleged incident occurred on 07.01.2022, whereas the present FIR was got registered on 13.01.2022. He argued that the police has submitted incomplete challan in the court as no report regarding result of viscera examination has been placed on record by the police. Learned counsel further argues that the petitioner has been in custody since 19.01.2022; the investigation has already been completed, the challan has been presented before the Court, and no recovery remains to be effected from the petitioner.

On behalf of the State/complainant

In compliance of the order dated status report filed by way of an affidavit of Karnail Singh, PPS, Deputy Superintendent of Police, Sub Division Bholath, Kapurthala, is taken on record.

Learned State counsel has also produced the custody certificate of the petitioner, which is taken on record. According to which the petitioner has suffered incarceration of 3 years, 6 months and 4 days.

Learned State counsel assisted strongly opposes the prayer for grant of bail stating that there are specific and direct allegations against the

petitioner. As per the prosecution version, on 07.01.2022, the accused persons armed with deadly weapons such as *datar* and *kirpan* and inflicted grievous injuries upon the complainant Ajay Singh, his brother Dharminder Singh, and their father Joginder Singh.

It is further contended that due to the said injuries, Joginder Singh, father of the complainant, succumbed to his injuries during the course of treatment on 13.01.2022. Thus, there is a clear and proximate link between the assault committed by the applicants and the resultant death of Joginder Singh. The post-mortem report and medical evidence corroborate the nature of injuries sustained and their severity, indicating a homicidal assault. Additionally, he submits that the petitioner is a habitual offender, as he is involved in two other cases.

4. **Analysis & Conclusion**

In the present case the prosecution version clearly attributes a specific and active role to the petitioner in the commission of a serious and heinous offence. He is alleged to have been armed with a deadly weapon (*datar*) and inflicted grievous injuries not only on the complainant Ajay Singh but also on his brother Dharminder Singh and, more significantly, on his father Joginder Singh, who later succumbed to his injuries on 13.01.2022 during the course of treatment.

There are specific allegations that the petitioner was instrumental in causing the fatal injuries to Joginder Singh, and the material on record, including naming of the accused in the FIR and recovery of the weapon of offence, prima facie supports the prosecution's case. The custodial period undergone so far does not by itself justify the grant of bail in such a serious matter involving an offence under Section 302 IPC, among

others. It is pertinent to mention here that the petitioner is a habitual offender, as he is involved in two other cases

The Court while considering the bail petitions is conscious that personal liberty has to be weighed and balanced with societal/public interest at large, and ensure that the course of justice is not thwarted by the powerful and influential accused persons.

In view of the foregoing circumstances, the nature and seriousness of the allegations, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail at this stage. Accordingly, the present regular bail petition stands dismissed being devoid of merit.

Pending application(s), if any shall disposed of accordingly.

(SANDEEP MOUDGIL)
JUDGE

24.07.2025

Meenu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No