

2025:PHHC:153110



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

**323/2**

**CRM-M No.6981 of 2025  
Date of Decision: 06.11.2025**

Gurdeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Arnav Ghai, Advocate,  
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,  
for the respondent-State.

Mr. Achin Gupta, Advocate and  
Mr. Karan Bansal, Advocate,  
for the complainant.

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**MANISHA BATRA, J. (Oral)**

1. The petitioner is seeking indulgence of this Court by way of filing the present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case bearing FIR No.148 dated 20.10.2023, registered under Sections 302, 404, 341, 148 and 149 of IPC and Sections 25 and 27 of Arms Act, 1959, at Police Station Kot Ise Khan, District Moga, on the allegations that on 20.10.2023, the petitioner along with the co-accused had

2025:PHHC:153110



intercepted the victims Veer Singh and Ranjit Singh, fired shots with a .12 bore DBBL gun thereby causing death of victim Ranjit Singh whereas the other victim Veer Singh was killed due to firearm injury sustained at the hands of co-accused Sukhdev Singh. One Taranjit Singh had also sustained injuries at the hands of the assailants. After registration of FIR on the basis of complaint of Smt. Kulwinder Kaur, daughter-in-law of victim Veer Singh, investigation proceedings were initiated. The petitioner was arrested on 23.10.2023. He suffered disclosure statement admitting his involvement in the crime and got recovered one .12 bore double barrel gun alleged to be used in the occurrence. Subsequently, on the basis of statement recorded by one accused namely, Surinderjit Singh, cross case bearing DDR No.26 was entered against the members of the complainant party. This is the second petition of the petitioner as his previous petition bearing CRM-M No.36635 of 2024 had been dismissed by this Court on 18.10.2024.

2. Learned counsel for the petitioner has argued that though as per the allegations, the victim Ranjit Singh had sustained firearm injury at the hands of the petitioner who had fired a shot with .12 bore double barrel gun but as per the FSL report, the bullet recovered from the dead body of victim Ranjit Singh was not the one fired from .12 bore gun. It is submitted that the petitioner had even been declared to be innocent by a Special Investigating Team constituted to conduct investigation and a supplementary challan under Section 173(8) of Cr.P.C. has also been filed before the trial Court. It is argued that even otherwise ever since the date of dismissal of the previous

2025:PHHC:153110



petition, period of more than one year has elapsed. The trial will take considerable time to conclude as till date only one prosecution witness that too in part has been examined. Thus it is submitted that in view of the peculiar circumstances as discussed above coupled with the enhanced incarceration of the petitioner, the petition deserves to be allowed.

3. Learned Assistant Advocate General, Punjab has not controverted the fact that a supplementary challan has been filed and the petitioner has been declared to be innocent. It is, however, submitted by her that the learned trial Court has framed charges against the petitioner as well as co-accused for commission of subject offences.

4. Learned counsel for the complainant has vehemently resisted the prayer made by the petitioner by arguing that there are serious and specific allegations against him as he was the person who had fired a shot hitting the abdomen of victim Ranjit Singh resulting into his death. The material witnesses are yet to be examined. The instant one is a successive petition for grant of bail. Mere prolonged period of incarceration cannot be considered to be a reason for granting bail to the petitioner when this benefit was already denied to him. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. It is well settled proposition of law that the Court while considering an application for grant of bail, has to keep certain factors in mind. Such as where there is a prima facie case or reasonable ground to

2025:PHHC:153110



believe that the accused has committed the offence, circumstances peculiar to the case, the nature and gravity of the accusation, the danger of accused absconding or fleeing if released on bail and reasonable apprehension of the witnesses being threatened etc. Equally, well settled that an accused cannot be kept in custody for an indefinite period of time and the bail application can be considered on its own merits even if it is filed repeatedly. Every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. Prolonged incarceration militates against the most precious fundamental right guaranteed under Article 21 of the Constitution. In the instant case, the petitioner has been in custody since 23.10.2023. A period of more than one year has passed since the date of dismissal of his previous petition. No prosecution witness has been examined so far. The specific allegation levelled by the complainant was that the petitioner had fired a shot with a .12 bore double barrel gun upon the victim Ranjit Singh thereby causing firearm injury to him resulting into his death. Even injured eye witnesses Taranjeet Singh and Piara Singh in their statements recorded under Section 161 Cr.P.C. stated so. However, as per the FSL report, the metal recovered from the dead body of the victim was not of a 12 bore double barrel gun. Meaning thereby the death of Ranjit Singh did not occur due to firing shot by pistol allegedly used by and recovered from the petitioner. Even a supplementary challan has been presented before the trial Court qua declaration of the petitioner as innocent on this very ground, though no order has been passed by the learned trial

2025:PHHC:153110



Court on that challan and it has proceeded further with the trial Court. It is only on thorough assessment of the evidence to be produced during trial that it can be assessed as to whether the complicity of the petitioner in the subject crime has been established or not? More so, prolonged detention can certainly be considered as a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. In view of the above discussed facts, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.11.2025  
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(MANISHA BATRA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |