

2025:PHHC:034742



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.6793 of 2025
Date of Decision: 12.03.2025
Reserved on: 10.03.2025

Surinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Ms. Swati Batra, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
103	03.05.2022	Jandiala, District Amritsar Rural	302, 307, 148 and 149 of IPC (450, 326, 323 and 324 of IPC added later on)

2. Adumbrated facts as emanating from the record are that on 03.05.2022 at about 6 AM, the complainant Kashmir Kaur was present in her house along with her son Dharamjit Singh i.e. the victim and husband Lakhwinder Singh. Her son went out in the street. After sometime, she heard his screams and on going out, she saw the petitioner along with the

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co-accused while assaulting her son with datars. Her son rushed towards the house of his uncle Joginder Singh to save his life within the sight of the complainant but the petitioner and the other assailants followed him and after falling him on the ground, they attacked him and kept on inflicting injuries on his person. Her husband and herself sustained injuries at the hands of co-accused Jagroop Singh and Joban Singh when they tried to save their son. The assailants then fled away. Her son succumbed to the injuries and died at the spot. The motive for occurrence was that the victim was having an affair with the wife of accused Jagroop Singh. After registration of FIR, investigation proceedings were initiated. Usual formalities of investigation were conducted. The petitioner and the co-accused Sandesh Singh were arrested on 03.05.2022. Since they had also sustained injuries in the occurrence, therefore, the petitioner was referred to hospital for treatment. The other co-accused were also arrested subsequently. Investigation stands completed and the petitioner along with co-accused is facing trial for commission of aforementioned offences.

3. It was argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 03.05.2022. The trial is likely to take time since only few witnesses have been examined so far. No specific overt act has been attributed to him. It was a case of version and cross version since a cross case has also been registered. His further detention would not serve any useful purpose. Accordingly, it was urged that he deserves to be released on bail.

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4. Status report had already been filed by the respondent-State. Learned Deputy Advocate General, Punjab had argued that keeping in view the gravity of the allegations, the petitioner does not deserve to be released on bail.

5. Learned counsel for both the parties were heard at considerable length.

6. The petitioner by forming unlawful assembly with the co-accused in prosecution of common object thereof, is alleged to have voluntarily caused injuries to the complainant, her husband as well as her son. Her son had died as a result of the injuries so sustained whereas her husband sustained grievous injuries. The petitioner was not only named in the FIR but there are specific allegations against him that he along with the co-accused had kept on inflicting injuries on the person of the victim continuously at the time of occurrence. As per the post mortem examination report, as many as six injuries were sustained by the victim which were sufficient to cause death in ordinary course of nature and were ante mortem in nature. The complainant and her husband have also sustained simple as well as grievous injuries in the same incident. The allegations prima facie show complicity of the petitioner in the subject offences as he appears to be vicariously liable for the homicidal death of the victim as well as for causing injuries to the complainant and her husband. Keeping in view the serious nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and

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circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner does not deserve to be extended benefit of bail at this stage. Accordingly, the petition is dismissed.

12.03.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No