



CRM-M-6887-2025

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

Decided on:04.04.2025

CRM-M-6887-2025

Daler Singh

.... Petitioner

versus

State of Punjab

.... Respondent

CRM-M-6967-2025

Jaswinder Singh

.... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRAPresent: Mr. Manjinder Singh Bhullar, Advocate
for the petitioner(s).

Ms. Shakshi Bakshi, AAG, Punjab.

Manisha Batra, J. (Oral)

This common order shall dispose of aforementioned two petitions filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail as filed by the petitioners Daler Singh and Jaswinder Singh in case arising out of FIR No.71 dated 28.05.2021 registered under Sections 307, 506, 148 and 149 IPC (Sections 302 and 452 IPC added later on) at Police Station Sirhali District Tarn Taran.

2. At the outset, learned counsel for the petitioner(s) prays for addition of Section 118(2) BNS in the head note as well as prayer clause of the petition(s) as inadvertently he missed the said Section.

3. On oral request made by learned counsel for the petitioners,



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offence under Section 118(2) of BNS is added in the head note as well as prayer clause of the petitions. Registry is directed to do the needful.

4. Brief facts relevant for the purpose of disposal of these petitions are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Gurmit Singh @ Gurmeet Singh alleging that in the morning of 27.05.2021, he along with his brother Kuldeep Singh, was going towards his house on his motorbike and when they reached outside their house, they were intercepted by the petitioners and the co-accused, all of whom were armed with weapons. The accused made an exhortation that Kuldeep Singh should be taught a lesson for committing theft of electric wires and thereafter they opened an attack upon Kuldeep Singh, brother of the complainant. Accused Gurwinder Singh struck blow with his dang. The petitioner Daler Singh along with the co-accused struck several blows with dangs on the head of the victim Kuldeep Singh due to which he had fallen down. The complainant rushed for rescuing his brother, but he too sustained injuries at the hands of the assailants. Thereafter, the petitioner Jaswinder Singh gave kicks to his brother. The co-accused kept on assaulting his brother. In the meanwhile, family members of the complainant had reached at the spot and thereafter the assailants fled away. The victim Kuldeep Singh was rushed to the hospital. Initially, a case under Section 307, 506 and 148 IPC r/w Section 149 IPC was registered. The victim Kuldeep Singh died on 27.05.2021. Thereafter, offences under Sections 302 and 452 IPC were added. The petitioner Daler Singh was arrested on 30.10.2021. However, during the course of investigation, he was found to be innocent and was declared to be so vide DDR No.20 dated 20.11.2021. The petitioner Jaswinder Singh was also found to be innocent and declared so vide DDR No.20 dated 07.11.2021.



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5. As revealed from the record, during the course of trial of the co-accused, who were arrested and challaned. The statement of the complainant was recorded. An application under Section 358 of BNSS (*pari materia* with Section 319 Cr.PC) was filed for summoning the petitioners as additional accused. The said application was allowed vide order dated 16.12.2024 and the petitioners have been summoned as additional accused and have been directed to face trial along with the accused already arraigned.

6. Apprehending their arrest, the petitioners moved applications for grant of pre-arrest bail, which have been dismissed by the learned trial Court vide order dated 27.01.2025. It is argued by learned counsel for the petitioners that they had been declared innocent during the course of investigation. No case for summoning them as additional accused has been made out. Their custodial interrogation is also not required as process has been issued against them under Section 358(2) of BNSS. They are ready to join the proceedings before the learned trial Court. Accordingly, it is urged that the petitions deserve to be allowed.

7. Separate status reports by way of an affidavit of Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran filed on behalf of respondent-State are taken on record. It is argued by learned State counsel that since the petitioners have been summoned as additional accused to face trial for offences, which are grave in nature, therefore, they do not deserve to be extended the benefit of pre-arrest bail.

8. Rival contentions raised by both the sides have been given due consideration.

9. The petitioners have been summoned as additional accused during trial of the co-accused. Their custodial interrogation is obviously not



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required. They were declared to be innocent during the course of investigation. Their incarceration is not going to serve any useful purpose. In view of this discussion, this Court is of the considered opinion that the petitioners deserve to be given the benefit of pre-arrest bail.

10. Accordingly, the present petitions are allowed and the petitioners are ordered to be admitted to bail subject to their surrendering before the trial Court within a period of 10 days from today and furnishing bail/surety bonds to the satisfaction of learned Trial Court. A copy of this order be sent to the trial Court.

11. It is, however, clarified that nothing stated hereinabove shall have any bearing on the merits of the case.

04.04.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No