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

**CRM-M-15811-2025 (O&M)
Date of decision: 24.03.2025**

Gulab Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gurnoor Singh Sethi, Advocate and
Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.67 dated 18.09.2024 under Sections 103, 115(2), 191(3), 190, 194(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Daba, District Police Commissionerate Ludhiana.

2. Brief facts of the case, as alleged, are that on an earlier occasion, one Ishmit Singh filed a complaint against Surinder Kaur, Jagroop Singh,

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Harpreet Singh, Daljit Singh and several unknown individuals, alleging assault due to prior enmity linked to a motorcycle collision involving Daljit Singh. That incident led to a verbal altercation, which was settled between the parties on 17.09.2024 and on the said date, Ishmit Singh and his associates arrived at Mohalla Fateh Singh Nagar, Ludhiana, where they were confronted by Jagroop Singh, his mother Surinder Kaur, brother Harpreet Singh, uncle Daljit Singh and others. A violent altercation ensued, during which Surinder Kaur allegedly struck Ishmit Singh with a brick and the complainant's group retaliated, resulting into death of Daljit Singh @ Kaka. Hence, the FIR (*supra*).

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has a *prima facie* proof of *alibi* in the shape of CCTV footage, which does not establish his presence at the spot. Further, the delay of 14 hours in registration of FIR (*supra*) clearly dents the case set up by the prosecution. Admittedly, it is a case of version and cross-version and apart from disclosure statement of co-accused, there is no evidence against the petitioner. It was a free fight and the petitioner cannot be held liable for the offence punishable under Section 103 of BNS and at the most, he can only be held liable for his individual role.

4. *Per contra*, learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner on the ground that a group of people, armed with weapons, went to house of the victim and the petitioner was part of that

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group. All the assailants started throwing brick bats towards the house of victim and deceased Daljit Singh was given injuries by all of them. When an alarm was raised, all the assailants including the petitioner fled away from the spot along with their respective weapons. Thereafter, deceased Daljit Singh was taken to hospital and during treatment, he died.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the investigation is at the initial stage and for taking the investigation to its logical end, custodial interrogation of the petitioner is required. Further, it would be a moot point to be determined by learned trial Court whether the petitioner, who trespassed house of the victim, is the aggressor or not.

6. Keeping in view the facts and circumstances of the case, without commenting anything further on merits of the case, lest it may prejudice the rights of either of the parties, this Court finds no ground to grant the concession of anticipatory bail to the petitioner.

7. Accordingly, present petition is dismissed.

[HARPREET SINGH BRAR]
JUDGE

24.03.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No