

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:098624



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CRM-M-21764-2025 (O&M)
Date of decision:04.08.2025

Gurtej Singh @ Teji

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. HPS Ishar, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.56 dated 20.06.2023, registered under Sections 302, 506, 148, 149, 212, 216, 201 IPC (Sections 302, 323, 216, 201 IPC were added and Sections 307, 323 IPC were deleted lateron), at Police Station Badali Ala singh, District Fatehgarh Sahib.

2. The afore mentioned FIR was registered on the basis of a statement recorded by the complainant – Avtar Singh on 20.06.2023 alleging that on the night of 19.06.2023, he was present at his house along with his family members when the present petitioner along with co-accused and some unknown persons came outside his house. They starting raising *lalkaras* thereby calling upon the son of the complainant, namely, Baljinder

Singh to come out of his house. On hearing so, the complainant and his son Baljinder Singh came out of their house and found all of them armed with weapons. Within the sight of the complainant, the accused Kulvir Singh opened an attack upon his son thereby stabbing him with a *kirch* in his abdomen, with an intention to kill him. Accused Gurpreet Singh also caused injuries with some sharp edged weapon whereas the others extended beatings with sticks. The clamour raised by them attracted the co-villagers, on seeing whom the petitioner and co-accused fled away in a tractor which was being driven by accused Manjot Singh while criminally intimidating them. The injured son of the complainant was immediately rushed to hospital. Initially a case under Sections 148, 307, 323 and 506 IPC read with Section 149 IPC was registered. Investigation proceedings were initiated. During investigation the victim succumbed to his injuries and died due to which offence under Section 302 IPC was added. Accused Kulvir Singh, Gurpreet Singh @ Goma and Gurpreet Singh @ Babba were arrested. Some other co-accused were also arrested. The petitioner was arrested on 24.07.2023. One wooden stick was recovered from him. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific injury or overt act has been attributed to him. He is only alleged to be armed with a stick. He is in custody since 24.07.2023. The trial would take considerable time to conclude. His further incarceration would not serve any useful purpose. He has clean antecedents. The material witnesses including the complainant

have not supported the prosecution version and turned hostile. With these broad submissions, it is, therefore, urged that the petitioner deserves to be extended the benefit of on bail.

4. Status report has been filed. It is argued by learned State counsel that there are grave allegations against the petitioner and hence, he does not deserve to be extended the benefit of bail.

5. I have heard rival submissions made by learned counsel for the parties.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have voluntarily caused fatal injuries to the victim Baljinder Singh, which resulted in his homicidal death. Complainant Avtar Singh and eye witness Sandeep Singh have since been examined. Copies of their sworn depositions have been placed on record as Annexures P-3 and P-4. Complainant – Avtar Singh is shown to have stated that he had never disclosed the name of the petitioner to the police officials and the petitioner was present at the place of occurrence at the relevant time. PW7 Sandeep Singh is also shown to have stated that the present petitioner did not commit any offence. Even otherwise no specific overt act has been attributed to the petitioner. He is in custody for over a period of almost 2 years. Keeping in view the nature of the evidence which has come on record, part attributed to the petitioner, the period of his incarceration and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be extended benefit of bail. Accordingly the petition is

allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

04.08.2025

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No