

2025:PHHC:044475



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

215

CRM-M-24651-2024

Date of decision: April 02, 2025

JAGSIR SINGH @ JAGGA SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. H.P.S. Ishar, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab
with Inspector Hargurdev Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Cr.P.C., 1973 for grant of regular bail to the petitioner in case FIR No.235 dated 21.11.2023 (Annexure P-1) under Sections 307, 323, 324, 342, 447, 448, 511, 436, 427, 148, 149, 379-B of the IPC, 1860 and Sections 25/27/54/59 of the Arms Act, 1959, registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. Learned counsel for the petitioner contends that the petitioner, although named in the FIR in question, has not been attributed any injury, much less inviting the mischief of an offence under Section 109 of BNS, 2023. The only role attributed to the petitioner is of having held injured Nirvair Singh from his arms while co-accused Maan Singh inflicted blows with a spear on his person. Learned counsel has submitted that even the injuries attributed to co-accused Maan Singh are on his non-vital part and were declared to be simple in nature. Learned counsel, therefore, prays that



in the circumstances, the petitioner be extended the concession of bail, moreso, when investigation in the present case is complete and challan also stands presented.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the factual aspect of the role attributed to the petitioner and has conceded that the petitioner has not been attributed any injury, much less under Section 109 of BNS, 2023. On further instructions, it has also not been controverted that the injury sustained by injured Nirvair Singh is simple in nature. Learned State counsel, on further instructions, has not disputed the custody period of the petitioner nor has it been disputed that challan stands presented, however, learned State counsel has reiterated the allegations levelled in the FIR, which stands reproduced hereinunder:

"I would like to state that I am resident of above noted address. I am retired from Shiromani Gurudwara Parbandhak Committee Gurudwara Sri Ber Sahib and now performing duties as Sewadar in Gurudwara Akal Bunga Dera Sultanpur Lodhi under Baba Balbir Singh 96 Croree Budha Dal Ji. Today on 21.11.2023, I along with Nirvair Singh son of Kundan Singh resident of village Rasulpur Saida District Patiala who is also Mukh Sewadar of this Dera, were present in Gurudwara Sahib and Akhand Path Sahib was going on in Gurdwara sahib. Granthi Dilbagh Singh on of Nishan Singh resident of Chirag Shah Wala Police Station Kot Ise Khan District Moga was reading/doing Path in Gurudwara Sahib, at around 8.30 AM one truck bearing registration No. CG08- D-1794 came inside the Gurudwara Sahib through its gate, in which Baba Mann



Singh and about 15- 20 Nihangs armed with Weapons were present and when they came down from the truck, then Baba Mann Singh has raised Lalkara that catch Sewadars of Balbir Singh and kill them. The associates of Baba Mann Singh namely Baba Jagga Singh, Baba Gurbinder Singh son of Satnam Singh had caught hold Nirvair Singh and tied his arms and they had taken the licensed revolver 12 bore and 315 bore gun of Nirvair Singh snatched by them and they also taken out the amount of Rs. 1500/- (approx.) from the pocket of Nirvair Singh and they started beating him with their respective weapons and when I came forwarded to save him then Mann Singh has given blow of his Datar to me with the aim to kill me, due to slipping, I fell down on the ground and said blow hit on the ankle of my right leg, other associates of Man Singh had given blows of their respective Dangs and Barchhas, due to which I and Nirvair Singh have received multiple injuries. Mann Singh and his associates have confined us both and tried to possess Gurudwara Akal Bunga Sultanpur Lodhi and they torn the posters of Baba Balbir Singh and put them on fire. On hearing the noise, the residents of city came there, then assailants released us. My son Satarjit Singh and my wife Narinder Kaur also reached at the spot, who arranged vehicle and got me and Nirvair Singh admitted in Civil Hospital Sultanpur Lodhi, where we are under treatment. Legal action be taken against the accused. The motive behind the incident is that Baba Balbir Singh is in possession of this Dera. Baba Mann Singh and his associates have tried to forcibly possess the Dera and beaten us. Statement got recorded, heard, same is correct. Sd/- Jagtar Singh attested by Sd/- Baldev Singh ASI, Police Station Sultanpur Lodhi dated 21.11.2023. Police proceedings: Today myself ASI along with ASI Joginder Singh



N. 1263, ASI Santokh Singh No.960, HC Mandeep Singh No. 630/Kapurthala, S/Ct Manjinder Singh No. 303/KP, were present at Gurudwara Sri Ber Sahib regarding our duty to maintain the law and order then MHC of Police Station has informed through wireless that one MLR No. HPK/110/Civil Hospital/SPL/2023 of Jagjit Singh son of Kartar Singh resident of Mohalla Pandori, Sultanpur Lodhi is received regarding his admission in hospital as he received injuries in a quarrel, action be taken in this regard. Therefore the said MLR brought through HC Manjinder Singh No. 303/Kapurthala and I along with associate officials reached at Civil Hospital Sultanpur Lodhi. In MLR No.HRK/110/C.H./SPL/2023 of Jagjit Singh, the doctor has mentioned 2 injuries, injury No. 1 is blunt and injury No. 2 is sharp. Both the injuries are under X-ray. The written opinion of doctor received through application to record the statement of injure and he doctor has declared him to be fit for statement, then injured Jagjit Singh has got recorded his above said statement, after recording his statement, same is red over to him, who, after hearing his statement and admitting the same to be correct, appended his signature in Punjab on the bottom of statement and I have attested the same. As per the contents of statement and MLR, offence under section 307, 323, 324, 342, 447, 448, 511, 436, 427, 148, 149, 379-B of IPC and section 25/27/54/59 of Arms Act is made out. Therefore after writing Ruqa, the same is being sent to the Police Station by the hand of HC Mandeep Singh No. 630/Kapurthala for registration of case, after register case, number of the same be intimated. After preparing special reports, same be sent to the officers and Ilqa Magistrate.”

4. I have heard learned counsel for the parties and perused the relevant material placed on record.



5. The petitioner has not been attributed any injury on the person of the injured except that he allegedly incapacitated the injured while co-accused Maan Singh inflicted injuries upon him with a spear. Even as per the MLR, which has been annexed as Annexure P-2, the injured received two injuries, which were on his non-vital part of the body. Investigation in the case in hand is complete as challan stands presented, however, the likelihood of the trial concluding in the near future seems unlikely as none of the 19 witnesses cited by the prosecution has been examined till date.
6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant petition, and extend the concession of regular bail to the petitioner.
7. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
8. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

April 02, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No