

2025:PHHC:063528



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

108

CRM-M-25802-2025

Date of decision: May 13, 2025

JOBANPREET SINGH @ JOBAN SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. L.S. Sidhu, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 482 of the BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.105 dated 17.12.2024 under Sections 103(1), 109, 61(2), 62, 190, 191(3), 351(2) of the BNS, 2023 and Sections 25, 27 of the Arms Act, 1959 (and Sections 117(2), 118(1) of BNS added later on), registered at Police Station Chohla Sahib, District Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case, wherein he is alleged to have been part of an unlawful assembly, armed with a baseball bat. It is contended that no specific overt act or injury has been attributed to the petitioner in the FIR (Annexure P-1). Learned counsel has further emphasized on the fact that the firearm injury, which led to the murder of Shamsher Singh (nephew of the complainant), has been specifically attributed to co-accused Nishan Singh. It is, thus, submitted that there is no material connecting the petitioner to the commission of the alleged offence.



3. Notice of motion.
4. On the asking of the Court, Mr. H.S. Deol, Sr. DAG, Punjab accepts notice on behalf of the respondent-State.
5. Learned State counsel, on instructions, has vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR, which stands reproduced hereinunder: -

“Statement of Mohinder Singh son of Gurdeep Singh son of Ravail Singh, resident of village Chanba Kalan, Police Station Chohla Sahib aged about 46 years, Mobile No.98141-21625. Stated that I am resident of above said address and is doing agriculture work. That 22 acres of land is owned by me is situated in Mand area across the Beas river. This land is owned by our uncles as co-sharers and joint. I am cultivating this land from last 25 years. On our this land Balwinder Singh, Daljit Singh sons of Sameer Singh residents of village Chamba Kalan are also claim right over this land. Today at about 5.15 PM on my red color tractor make Mahindra was going along with my son Harpreet Singh and my cousin in relation namely Shamsher Singh, Devinder Singh sons of Karnail Singh residents of village Chamba Kalan fro sowing the wheat crop. At about 5.30 PM when we were in our fields and seen that already Palwinder Singh @ Pindu son of Savinder Singh resident of Chamba Kalan was sowing wheat crop with this tractor make Arjun Mahindra. When we were about to enquire from him then already sitting prepared Jagtar Singh son of Dheera Singh armed with pistol, Balwinder Singh son of Sameer Singh armed with dang, Arshdeep Singh armed with dang, Jagrup Singh @Jupa armed with Datar sons of Balwinder Singh, Veer Singh son of Bali Singh armed with Single barrel gun, Nishan Singh son Kabal Singh armed with 12 bore gun, Jodhbir Singh son of Nishan Singh empty handed, Akashdeep Singh son of Paramjit Singh armed with 12 bore gun, Avtar Singh son of Bali Singh armed with Gandasa, Joban Singh son of Avtar Singh armed with baseball, Daljit Singh son of Sameer Singh empty handed, Harjinder Singh son of Balbir singh armed with dang, residents of village Chamba Kalan and Kagma Singh son of Heera Singh resident of village Kambo Dhaewala armed with Hockey. They all at once gathered and Balwinder Singh and Joginder Singh



raised lalkara and said that they may not scot free, given them taste of sowing the crop. Meanwhile Nishan Singh given.12 bore gun shot on Shamsher Singh with the intention to kill which hit on his chest and Shamsher Singh fell down on the ground in the field. Then Akashdeep Singh given his gun shot with the intention to kill upon Devinder Singh which hit on his left thigh joint. I raised noise then Palwinder Singh try to run his tractor upon me then I saved my life by running aside. Then I and my son Harpreet Singh raised noise at high pitch. Then all assailants started given threats to kill to me and my son Harpreet singh and ran away from the spot with their respective weapons. While going back they also took my tractor also with them. I and my son Harpreet Singh looked Shamsher Singh who has died to gun shot and Devinder Singh was in injured condition. Then I left my son Harpreet Singh with the dead body of Shamsher Singh and injured Devinder Singh and sailing on the boat went to my village Chamba Kalan for information. Then I took father Karnail Singh of Shamsher Singh and Devinder Singh were going for information but you have met in way at Bus Stop Chamba Kalan. The all above said assailants has murdered by shooting with gun to Shamsher Singh and his brother Devinder Singh has been injured with fire arm shots. And they try to get forcefully possession with arms on my land. The legal action be taken against these persons. I am claimant. I have got recorded my statement, read, heard. Which is correct Sd/- Mohinder Singh, Mohinder Singh above said, and seconded by LTI Karnail Singh s/o Tara Singh resident of Chamba Kalan. Attested Sd/- Raj Kumar SI SHO Police Station Chohla Sahib dated 17.12.2024.”

6. It has been submitted by the learned State counsel that a perusal of the FIR clearly reveals that the petitioner has been named as an active participant in the occurrence in question, which led to the murder of the nephew of the complainant. It has been still further contended that the petitioner's presence at the scene of occurrence, while armed with a baseball bat, clearly points to his participation in the unlawful assembly, for which he does not deserve the concession of anticipatory bail. It has also been submitted that since it was a promptly lodged FIR based on an eyewitness

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account, there is no question of any fabrication, much less false implication of the petitioner in the crime in question.

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

8. Having regard to the nature of the allegations, particularly the factum of the petitioner being part of the unlawful assembly at the time of the incident and was armed with a baseball bat, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner; the petitioner's role, even though he has not been attributed fatal injury, cannot be disregarded at this stage. The specific attribution of the fatal gunshot to co-accused would not exonerate the petitioner from liability arising from his alleged participation in the group.

9. In the light of the facts and circumstances as enumerated hereinabove, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioner.

10. Accordingly, the instant petition stands dismissed.

11. 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.

May 13, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*