



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-34284 of 2025 (O&M)

Date of Decision: 26.11.2025

Gurkirat Singh Virk

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General,
Punjab, for the respondent.

Mr. Mahir Sood, Advocate
for the complainant.

Surya Partap Singh, J.

CRM-34750-2025

1. This is an application for placing on record the photocopy of statement of complainant Manjit Singh, as Annexure P6.

2. For the reasons stated in the application, the same is hereby allowed and the above mentioned document (Annexure P6) is taken on record.

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3. For the commission of offence punishable under Sections 302, 148, 149, 473 and 120B of the Indian Penal Code, 1860, hereinafter being referred to as "IPC" only, and Section 25 of the Arms Act, 1959, the FIR No.

77 dated 07.09.2017 has been lodged in Police Station Banur, District Patiala (Now S.A.S. Nagar, Mohali), Punjab. This is fifth petition for bail,

filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

4. Briefly stating the facts emerging from the record are that the FIR of this case came into being on the statement of Lovejot Singh son of Manjeet Singh, hereinafter being referred to as “complainant” only. It was stated by the above named complainant that on 0609.2017 at about 09:30 P.M., his uncle, namely Daljit Singh alias Pinchi had gone for a walk at Banur-Rojomajra Road, and that he was asked by his aunt to call his uncle. According to complainant, when he was going to call his uncle near minor bridge he had noticed that a white colour Endeavour car, bearing registration No. CH-01-H-5233, was already parked there. As per complainant, when his uncle was passing through the above mentioned spot, Amrit and Simrat sons of Gurnam Singh, Deepu and Khatik, who were armed with revolvers, fired gun-shots upon his uncle, and also hurled abuses to him. According to complainant, three/four unknown persons were also with them, and that Gurkirat son of Baldev Singh, too, was sitting in the vehicle. It was claimed by the complainant that in the above mentioned incident, his uncle had suffered injuries which proved to be fatal.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner in the commission of crime, no active role has been attributed to the petitioner as the only allegation qua him is that he was sitting in driver seat of the car, wherein the assailants were traveling. It has

also been contended by learned counsel for the petitioner that in the present case, the petitioner is already in custody for a period of more than six years, and that the trial is not likely to be concluded in near future. According to learned counsel for the petitioner, due to delay in conduct of trial, a new cause of action has accrued to the petitioner for filing of this petition, and that the petitioner, in the given fact situation, is entitled for the benefit of bail

7. Per contra, the learned State counsel has argued that this is fifth petition for bail filed by the petitioner, and that the record shows that the last petition for bail moved by the petitioner was dismissed recently, i.e. on 01.04.2025. According to learned State counsel, from the date of dismissal of fourth petition for bail, no significant change in circumstances has taken place.

8. In addition to above, the learned State counsel has also argued that otherwise also, the allegation against the petitioner are that he was driving the vehicle which was used by the assailants and therefore, this plea of the petition has got no force that no active role has been attributed to the petitioner. In addition to above, the learned State counsel has also argued that the instant case is the case wherein there are serious allegations with regard to demand of ransom and killing of victim due to non-payment of ransom.

9. As per learned counsel for the complainant, the trial in the present case has reached to final stage as the same has been expedited by the learned trial Court and the evidence of prosecution is likely to be concluded within few days. The learned counsel for the complainant has further contended that in view of above, the ground of prolonged incarceration due

to delay in trial, is not available to the petitioner.

10. The record has been perused carefully.
11. A perusal of record shows that this is fifth petition for bail moved by the petitioner. The fourth bail petition was dismissed on merits in April only. From April onwards, there has been significant progress in the trial as only few witnesses remain to be examined. The report submitted by learned trial Court shows that the trial has already been expedited, and the same is likely to be concluded in near future. Thus, from the date of dismissal of fourth bail petition, any ground due to delay in trial is not made out.
12. As far as the role of petitioner in the commission of crime is concerned, a perusal of the statement of prosecution witness, i.e. complainant shows that he has specifically named the petitioner in the FIR and deposed that at the time of occurrence, he was sitting in the vehicle in the driver seat.
13. Taking into consideration the above mentioned factors, it is hereby held that no ground for maintainability of the present petition, which is the fifth petition for bail, is made out.
14. As a sequel to observations made in the foregoing paragraphs, it is hereby held that the instant petition for bail is devoid of merits and deserves dismissal. Thus, the present petition is hereby dismissed, accordingly.

(Surya Partap Singh)

Judge

November 26, 2025

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No