



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

216 (1)

CRM-M No. 40933-2024 (O&M)**Date of Decision: 12.03.2025**

Jaspal Singh @ Jassi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Sukhcharan Singh Gill, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Mr. Paras Talwar, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending trial to the petitioner in FIR No.71 dated 22.05.2021, under Sections 302, 307, 506 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC'); Sections 25 & 27 of the Arms Act, 1959 and Sections 181 & 192 of the Motor Vehicles Act, 1988 registered at Police Station Mullanpur Garibdass, District SAS Nagar (Mohali).

2. Allegations are that petitioner alongwith his co-accused in furtherance of their common intention committed murder of Balvir Singh by firing shots upon him.

3. Contends that petitioner is in custody since 16.06.2021 and prosecution witnesses are delaying the trial, thus, further incarceration of the petitioner would not serve any purpose. Specifically contended that petitioner has no role in the alleged occurrence and he has been falsely implicated by the police.

4. *Per contra*, learned State counsel opposed the prayer while



submitting that petitioner played active role in the commission of crime and fired gunshots resulting into the death of Balvir Singh as well as caused injuries to PW-2-Parminder Singh; thus, does not deserve concession of bail.

5. Learned counsel for the complainant also opposed the prayer of petitioner on similar grounds and submitted that in case, petitioner is released on bail, he shall influence the witnesses and hamper the fair trial.

6. Heard learned counsel for the parties and perused the paper-book.

7. Although petitioner is in custody since 16.06.2021; but *prima facie*, it is quite apparent that he was very much present at the time of alleged incident; tres-passed into the premises of deceased and fired gunshots resulting into his death. Even from the testimony of PW-2-Parminder Singh, it is evident that petitioner had actively participated in the commission of crime and for reference, relevant part of the same reads as under:-

“On 22.05.2021 accused Jaspal Singh @ Jassi, Kulwinder Singh @ Pindu, Avtar Singh @ Gholi alongwith Sehaj Singh son of Jaspal Singh came at the said land and stated that the said land does not belongs to Balbir Singh where Balbir Singh has constructed his shops and the land of Balbir Singh is some where else and the same land belongs to them. Balbir Singh replied that the said land has been purchased by him from Harjinder Singh and Harjinder Singh has handed over the possession of the land in front of them and then he has constructed the shops. Then Jaspal Singh @ Jassi, Kulwinder Singh @ Pindu, Avtar Singh @ Gholi and Sehaj Singh cultivated the land belonging to Balbir Singh with the the help of Tractor and demolished the boundary (Watt) and uprooted the land and started re-installing the wooden poles uprooted by the



accused. At 12.00 noon Jaspal Singh @ Jassi. Kulwinder Singh & Pindu, Avtar Singh Gholi and Sehaj Singh came out from their office which is on the opposite side of the land and came to us and threatened us not to go from the spot. Then accused Kulwinder Singh @ Pindu went on his car towards his house and Jaspal Singh, Avtar Singh and Sehaj Singh were standing outside their office. After 10-15 minutes Kulwinder Singh @ Pindu came at the spot while armed with revolver and Jaspal Singh @ Jassi also took out his revolver from his waist line (dub) and accused Kulwinder Singh, Jaspal Singh, Avtar Singh and Sehaj Singh came in the land. Jaspal Singh fired two shots of his revolver in the air and then accused Avtar Singh @ Gholi and Sehaj Singh raised Lalkara that nobody should go scot free from the spot. Then Kulwinder Singh Pindu fired from his revolver towards me with intention to kill me and I saved myself by sitting down. Then accused Kulwinder Singh @ Pindu again fired from his revolver towards Dilbagh Singh @ Lali with intention to kill him and Dilbagh Singh also saved himself by sitting down. Then accused Kulwinder Singh @ Pindu again fired from his revolver towards me with intention to kill me and fire shot hit from the right side of my forehead and passed through other side. Then Kulwinder Singh @ Pindu again fired from his revolver towards Balbir Singh and fire shot hit in the chest of Balbir Singh and he fell down on the ground and became unconscious. Then accused Jaspal Singh @ Jassi, Kulwinder Singh @ Pindu, Avtar Singh @ Gholi towards the house of Balbir Singh and brought the car of Balbir Singh and Kamaljit Kaur wife of Balbir Singh also accompanied Dilbagh Singh came at the spot and Gurjit Singh nephew of Balbir Singh also came at the spot alongwith Dilbagh Singh and they took me and Balbir Singh to PGI Chandigarh. Balbir Singh was declared brought dead by doctors of PGI and I was medically treated in PGI. Motive behind the occurrence is that accused Jaspal Singh @ Jassi, Kulwinder Singh Pindu,



Avtar Singh @Gholi present in the court today alongwith accused Sehaj Singh son of accused Jaspal Singh wanted to take illegal possession of the land of Balbir Sigh due to which they committed murder of Balbir Singh and also gave fire shot injury to me with intention to kill me.”

A bare perusal of the above extract clearly reveals that there are specific allegations against the petitioner that he fired from his revolver upon the deceased; thus, there is no ground made out to release him on bail at this stage. Moreover, the apprehension raised by learned counsel for the *de facto*-complainant that petitioner may hamper the fair trial, cannot be ignored.

8. Consequently, there is no option except to dismiss the petition, “at this stage”.

9. Ordered accordingly.

10. Above observations be not construed as an expression of opinion on merits of the present case, in any manner.

Pending application(s), if any shall also stands disposed off.

12.03.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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