



270

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

CRM-M-41260-2025

Date of Decision:06.08.2025

Davinder Singh alias Baba

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ranwant Singh Sangha, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.125 dated 09.08.2024 registered under Sections 109, 115(2), 3(5), 333 of BNS and Sections 25/27 of Arms Act, 1959, at Police Station Nihal Singh Wala, District Moga, Punjab.
2. The FIR in the present case was registered on the basis of the statement made by Major Singh son of Ranjit Singh and the same has been reproduced below:-

“Statement of Major Singh, son of Ranjit Singh, son of Kehar Singh, resident of Manuke Gill, aged about 35 years, mobile No.84271-78515, stated that: I am a resident of above-mentioned address. Besides doing farming, I have also kept pigeons. We are three sisters and two brothers. All of us siblings are married and live separately. My elder brother Jaswinder Singh works in Army



and our parents live with him. I live in a separate house. I have one son, who is about 6 years old. Today, I was feeding my pigeons at roof of my house, then three men arrived in a Verna car and two persons started knocking at the door of my house. I called out from the roof asking, "Who is this?" From outside, a voice replied, "It's Baba Kaleke; I Came to meet you." I told my wife that someone had come to meet me and asked her to open the door. Then, Davinder Singh alias Baba son of Avtar Singh, resident of Kaleke, and another young man named Gurdeep Singh alias Neeta son of Major Singh, resident of Khosa Pando came on the terrace and started talking to me. After 2-3 minutes, Mandeep Singh a resident of Bilaspur along with another clean shaven young man arrived on a motorcycle. The young man who came with Mandeep Singh walked up to me while Mandeep Singh was locking his motorcycle. At that moment, Kundan Singh son of Resham Singh, resident of Manuke Gill, who was sitting in the Verna car alighted from the car and gave 2-3 fist blows to Mandeep Singh. In the meantime, Mandeep Singh raised an alarm "Marta-Marta" upon which Kundan Singh, who was sitting in the Verna car, also started shouting loudly to Davinder Singh alias Baba resident of Kaleke, and Gurdeep Singh alias Neeta, resident of Khosa Pando that "Major Singh has called his friends. You should come down quickly." Upon hearing this, Davinder Singh alias Baba and Gurdeep Singh alias Neeta came down from the roof. It was around 5:15 PM. all of them started beating Mandeep Singh, hitting him on the head, legs, and other parts of his body. He was severely injured. My wife and I quickly ran out in the street and saved Mandeep Singh, then Gurdeep Singh alias Neeta resident of Khosa Pando, pointed a pistol at me with the intent to kill and fired upon me and to ward off the bullet, I sat down, thus bullet hit the ground. Then, Kundan Singh, resident of Manuke, and Davinder Singh alias Baba, resident of Kaleke, also fired



about 10-12 shots with their weapons. We raised an alarm "Marta" and upon hearing our commotion, many people gathered there. In the meanwhile, the above-mentioned accused persons fled away from the spot in their Verna car along with their respective weapons. The reason of the enmity is that about three or four years ago, I had a fight with Tota Singh alias Tunda from our village, during which somehow his legs were broken by me and Kundan Singh was also involved in that fight, and his clothes were torn. Kundan Singh, resident of Manuke Gill, suffered humiliation during that fight. He holds a grudge in his mind and now with the help of his associates, he came to my house today with the intention to kill me and fired at me. I have recorded my statement to you and request that appropriate action be taken. Sd/- Major Singh."

3. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, the petitioner and other accused came in a Verna car and had fired shots from their firearms, after entering the house of the complainant. However, surprisingly, no person was injured in the present case. In fact, the complainant had concealed the true facts and the genesis of the occurrence. The complainant side had fired shots on the petitioner and his companions and the Verna car was badly damaged, which is apparent from the photograph (Annexure P-2). He further contends that the petitioner was arrested in the present case on 23.12.2024 and after his arrest, challan has been presented against him on 05.03.2025. He has further relied upon the order dated 18.10.2024 passed by this Court in CRM-M-45519-2024 (Annexure P-4), whereby the concession of anticipatory bail has been allowed to similarly placed co-accused, namely, Gobind Singh alias Kudan alias Kundan.



4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner along with other accused had reached at the place of occurrence and they had fired with an intention to kill the complainant. However, the complainant saved himself with great difficulty. He further contends that seven more FIRs were ordered to be registered against the petitioner and he does not deserve the concession of bail by this Court.

4. I have heard learned counsel for the parties and perused the record.

5. No doubt, seven more criminal cases have been registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on that ground because the petitioner has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831, wherein it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***" 2012(1) R.C.R. (Criminal) 586. In the present case, the petitioner is stated to be in custody since last more than 08 months. Even, similarly placed co-accused, namely, Gobind Singh alias Kudan alias Kundan has been granted the concession of anticipatory bail by this Court vide order dated 18.10.2024 (Annexure P-4).



6. Without commenting anything on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

06.08.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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