

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

2025:PHHC:119214



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CRM-M-46901-2025

Date of decision: 03.09.2025

Nazeer Gujjar and another

....Petitioners

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Jasmeet Singh Ghumman, Advocate for the petitioner(s).

Mr. Gaurav Gurcharan Singh Rai, Sr. DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case bearing FIR No.99 dated 21.08.2024, registered for the offences punishable under Section 103, 191(3), 190, 238 of BNS, 2023 and Section 25 of Arms Act at Police Station Nakodar Sadar, District Jalandhar.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Charan Das son of Bahaal Singh, resident of Kala Sanghya, Police Station Sadar Kapurthala District Kapurthala, age about 60 years, mobile number 98150-71592

stated that I am resident of the abovesaid address and do manual labour work. I have 3 children. My son Kulwinder Singh alias Kindi, age about 30 years, works in a private company in Banglore, but came here on holidays for the last few days. Since he had a fight in the village about 2 years ago, due to which a case was registered against my son, and for attending the date in the said case, he had come here on leave. A few days ago, Tirath Singh, son of Major Singh, resident of our village, came to our gate with 5/6 more men and abused us. He also took the name of my son Kulwinder Kindi and threatened that whatever happened, he would not leave Kindi alive. Regarding this, we had filed a complaint with our police post Kala Sanghian, but no action was taken. That yesterday on 20.08.2024 at about 08/08:30 PM in the evening, all our family members were present at home and my son Kulwinder Kindi received a phone call from his friend Paramjit Singh, resident of Ungi. After hearing the phone call, Kindi immediately got up and walked towards his motorcycle. I asked him what happened, but he did not answer since my son was already fighting, so I took my other son Kuldeep Singh alias Babbu along with me and followed him on other motorcycle but Kindi who came straight from Kindi Kala Sanghia to Ungi side and after going around Ungi village, he came to the turn where the road goes to Kang Sahbu village, where due to the construction of a chowk there are many shops around, where many lights were on and there was a lot of light there. At that place, my son's friend Laddu and two other young men whom I do not know, I will tell you later, were standing, all of them were shooting at each other, when in the meantime, a Swift Dzire vehicle bearing No.PB-09-Z 6782, colour white, came from the front. From the driver's seat, Gurdit Singh alias Guri, son of Nirmal Singh, resident of Monawala, Police Station Sultanpur Lodhi, and from the seat next to the driver, Jatinder Singh alias Kohli, son of Sham Lal, resident of Kahalwan, got out and from the back seat, Tirath Singh, son of Major Singh, resident of Kala Sanghia, Sukhwinder Singh alias Commando, son of Paramjit Singh, resident of Rasulpur, and Gurpreet Singh alias Dhatt, resident of Ali Chowk, got out and two more motorcycles came behind their car, one motorcycle was being driven by Gurpal

Singh alias Gopa, son of Manjit Singh, resident of Sidhwan Dona, Police Station Sadar, Kapurthala, and behind him was Balkar Singh alias Balla, son of Jaspal Singh, resident of Sidhwa Dona, Police Station Sadar, Kapurthala was sitting, and the other motorcycle was being driven by Nazir Gujar, son of Murid, resident of village Kotla, Kala Sanghia Road, Police Station Lambra. I know all the above youths from before. In the wake of my son's previous fight, they all came from the other side and kept threatening to kill my son. As soon as he got down, Tirath Singh and Jatinder Kohli started abusing my son and attacked him with the bait (data) they were holding in their hands in order to kill him. When my son ran in front of them to save himself, Sukhwinder Singh alias Commando fired at my son with the pistol he was holding in his hand, which hit his left thigh as he was running away. Despite being shot, my son kept running there to save himself. After the shooting, the above-mentioned persons got into their car and started running away from the spot. First, they hit the car straight into the wall in a hurry, due to which the bumper and front glass of the car broke. Then, when they tried to reverse the car again, the car hit on the back wall and the rear glass of the car also broke. While the above-mentioned persons were giving these threats to my son that if he survived this time, he would not leave alive again, and they all escaped from the spot. Due to the gunfire, my son Kuldeep Singh alias Babbu and my son's friends hide behind the shops in fear. After the attackers left, we followed the blood flowing from the scene of the fight. About 100 yards ahead, my son was lying on a pile of sand in an empty plot on the right side of the road. He was bleeding profusely. However, we had time to arrange for someone to take him to the hospital. Meanwhile, my son Kulwinder Singh alias Kindi died on the spot due to excessive bleeding. The above-mentioned Gurdit Singh alias Guri son of Nirmal Singh resident of Mothawala Police Station Sultanpur Lodhi, Jatinder Singh alias Kohli son of Sham Lal resident of Kahlwan, Tirath Singh son of Major Singh resident of Kala Sanghian, Sukhwinder Singh alias Kamado son of Paramjit Singh resident of Rasoolpur and Gurpreet Singh alias Dhat resident of Alichowk, Gurpal Singh alias Gopa son of Manjit Singh resident of Sidhwan Dona Police

Station Sadar Kapurthala, Balkar Singh alias Balla son of Jaspal Singh resident of Sidhwan Dona Police Station Sadar Kapurthala and Nazir Gujar son of Murid resident of village Kotla Kala Sanghia Road Police Station Lambra have shot my son dead due to a previous enmity with him, strict legal action should be taken against the said persons. Due to the late night and the fact that we did not have any contact number of the local police, we could not inform and kept the body in the mortuary, the statement has been heard which is correct. LTI Charan Dass, Verified Sd/- Kuldeep Singh Attested by SHO/SI Baljinder Singh Police Station Sadar Nakodar dated 21.08.2024.”

3. Learned counsel appearing for the petitioners has argued that the petitioner No.1-Nazeer Gujar was arrested on 22.08.2024 whereas petitioner No.2-Jatinder Singh @ Kohli @ Jatinder Kumar was arrested on 23.10.2024. Learned counsel appearing for the petitioners has argued that the petitioners have been falsely implicated into the FIR in question. He has further argued that *assuming arguendo*, the prosecution version is taken to be correct the fire shot, which has allegedly killed the deceased, is attributed to co-accused namely Sukhwinder @ Cammando. Learned counsel for the petitioner has further argued that the prime prosecution witness namely FIR-complainant (Charan Dass) and PW-Chhinder Pal have turned hostile and, thus, the trial is not likely to culminate into conviction. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioners are serious in nature and, thus, they do not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificates dated 31.08.2025 and 03.09.2025 in Court, which are taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner No.1-Nazeer Gujjar was arrested on 22.08.2024 whereas petitioner No.2-Jatinder Singh @ Kohli @ Jatinder Kumar was arrested on 23.10.2024, whereinafter investigation was carried out and challan was presented on 19.11.2024. Total 24 prosecution witness have been cited, out of which 2 have been examined till date. It is not disputed that prime prosecution witnesses namely FIR-complainant (Charan Dass) and PW-Chhinder Pal have turned hostile. The rival contentions of the learned counsel for the parties including the factum of the weightage required to be attached to the testimony of the hostile witnesses shall be gone into during the course of the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioners absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificates filed today, the petitioners have undergone 1 year & 4 days and 10 months & 8 days, respectively and are not shown to be involved in any other criminal case.

Suffice to say, the further detention of the petitioners in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

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- (i) The petitioners shall not mis-use the liberty granted.
 - (ii) The petitioners shall not tamper with any evidence, oral or documentary, during the trial.
 - (iii) The petitioners shall not absent himself on any date before the trial.
 - (iv) The petitioners shall not commit any offence while on bail.
 - (v) The petitioners shall deposit his passport, if any, with the trial Court.
 - (vi) The petitioners shall give their cell phone numbers to the Investigating Officer/SHO of concerned Police Station and shall not change their cell-phone number without prior permission of the trial Court/Illaq Magistrate.
 - (vii) The petitioners shall not in any manner try to delay the trial.
 - (viii) The petitioners shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that they have not been involved in commission of any offence after being released on bail. In case the petitioners are found to be involved in any offence after her being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioners.

9. Ordered accordingly.

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10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 03, 2025
Naveen

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