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

CRM-M-54342-2025

Date of decision :06.11.2025

Gursewak Singh**....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed by the petitioner praying for grant of regular bail in case FIR No.054 dated 08.08.2023, under Sections 302, 120-B & 506 of IPC and Section 25/27 of Arms Act (Later Section 379-B IPC was added), registered at Police Station Division Mehta, District Amritsar.

2. As per the facts of the case, the FIR was lodged on the statement of complainant, namely, Harjinder Singh. It was alleged that on 08.08.2023 at about 8:30 am, he along with his son Jaspal Singh @ Palli (deceased), aged about 22 years, Malkeet Singh, Sukhwinder Singh and Kulwinder Singh Fauji, came in their car and then from behind 03 persons came on one motorcycle i.e. Gursewak Singh, Avtar Singh @ Maddi and Sarabjit Singh. On seeing them, Kulwinder Singh took out his 12 bore rifle and both the parties started arguing with each other. His son Jaspal Singh @ Palli tried to pacify them but in the meantime, Gursewak Singh

snatched the 12 bore rifle from Kulwinder and fired a shot at his son



Jaspal Singh, which hit on his left flank. On receiving the bullet injury, he fell down. On hearing the shot, Gursewak Singh and others fled away from the place of occurrence on their motorcycle. He brought his son Jaspal Singh in injured condition to Guru Ramdass Hospital, Vallah. It was alleged that Gursewak Singh and others already had a dispute with Kulwinder Singh and on account of the same the dispute had taken place in which his son had been killed. The request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. Postmortem of dead body was conducted. The petitioner was arrested on 18.10.2023. On completion of investigation, challan was presented and on framing of charges, the trial commenced. He approached learned Additional Sessions Judge, Amritsar, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 11.09.2025. Aggrieved by the same, the petitioner earlier approached this Court twice by way of filing of CRM-M-31827-2024 and CRM-M-65298-2024 which were declined vide orders dated 30.08.2024 and 06.03.2025, respectively. Hence, the petitioner is before this Court praying for grant of bail by way of filing of present third petition.

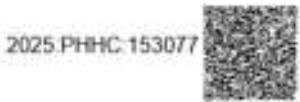
3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the complainant in the present case is none other than the father of the deceased-Jaspal Singh, who is the eye-witness of the occurrence. He submits that the complainant has been examined by the prosecution as PW-1 and he has not supported the case of the prosecution. He has drawn attention of this Court to his deposition. He submits that another eye-witness Lakhwinder Kaur has also been examined as PW-2



and she has also not supported the case of the prosecution and was declared hostile. He further submits that PW-3 Onkar Singh and PW-5 Sukhwinder Singh, have also not supported the case of the prosecution. He thus, submits that the material witnesses who are the eye-witnesses have not supported the case of the prosecution and thus, false implication of the petitioner is writ large. He submits that the petitioner is behind bars since the date of his arrest and he has no criminal antecedents. To buttress his arguments, he has submitted that the material witnesses already stand examined and once they have not supported the case of the petitioner, further incarceration of the petitioner is unwarranted.

4. Learned State counsel has vehemently opposed the submissions made on behalf of the petitioner and has submitted that the petitioner was the person who had fired upon the deceased. He submits that the whole testimony of witness who had been declared hostile cannot be ignored and the part which is consistent with the prosecution can always be relied upon. He, on instructions, has submitted that out of total 35 prosecution witnesses, only 06 witnesses have been examined. He has produced on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the complainant is the author of the FIR. He had been examined before the trial Court as PW-1, wherein he had not supported the case of the prosecution. PW-2, PW-3 and PW-5 had also not supported the case of the prosecution. The custody certificate produced would show that the petitioner has suffered an incarceration of 02 years and 12 days as on 05.11.2025. It further reflects that the petitioner has no criminal antecedents. As submitted before this Court, out of total 35 prosecution witnesses, only 06 witnesses have been examined.



6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

06.11.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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