



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

223+235

Date of Decision : 01.12.2025

1. CRM-M-55560-2025 (O&M)

GURSEWAK SINGH @ MITHU

.... PETITIONER

V/S

STATE OF PUNJAB

.... RESPONDENT

2. CRM-M-66136-2025 (O&M)

GURJEET SINGH

.... PETITIONER

V/S

STATE OF PUNJAB

.... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present : Mr. Amjad Khan, Advocate
for the petitioner (in CRM-M-55560-2025).

Mr. Harkirat Singh Randhawa, Advocate
for the petitioner (in CRM-M-66136-2025).

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Amandeep Singh Rai, Advocate for the complainant.

SUBHAS MEHLA, J. (Oral)

1. By this common order, petitions bearing CRM-M-55560-2025
and CRM-M-66136-2025 are being decided together as both the petitions



are related to common FIR. For brevity, facts are taken from CRM-M-55560-2025 which is the second petition filed by the present petitioner.

2. Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner(s) in case bearing FIR No. 0183 dated 17.11.2016 under Sections 307, 341, 323, 325, 356, 506, 148, 149, 120-B IPC 1860 and Sections 25, 27 of Arms Act 1959 (Sections 324, 326, 182, 193, 194, 211, 201 IPC added later on, however supplementary challan was presented under Sections 341, 323, 324, 325, 326, 356, 182, 192, 193, 194, 211, 506, 148, 149, 120-B, 201 IPC 1860 and Sections 25 and 27 of Arms Act 1959 and Section 307 IPC deleted later on), registered at Police Station P.S. Samana, District Patiala.

3. The brief facts of the case are that the present FIR was registered on the statement of Khem Singh who was Sarpanch of Village Fateh Majri against Gursewak Singh (the present petitioner), Randhir Singh, Jasvir Singh, Lakhwinder Singh, Gurjit Singh (the present petitioner), Gurvinder Singh, Soni, Hardev Singh, Gurpreet Singh, Amarjit Singh alias Ambi, Darshan Singh, Gurmeet Singh, Amandeep Singh, Kulwinder Singh wherein it is alleged that he had taken one *killa* land each from Prabhjot Kaur and Harvinder Kaur and had sown crops in it. When he reached near his crops, then at around 01:00 p.m. Gursewak Singh (the present petitioner) armed with 12 bore gun, Jasvir Singh armed with iron rod, Lakhwinder Singh armed with iron rod, Randhir Singh, Gurjit Singh (the present petitioner), Gurvinder Singh armed with gandasa, Soni armed with iron rod,



Hardev Singh, Gurpreet Singh, Amarjit Singh alias Ambi and Darshan Singh armed with 12 bore gun, Gurmeet Singh armed with iron rod, Amandeep Singh, Kulwinder Singh came there on motorcycle and jeep and on reaching there, Gursewak Singh (the present petitioner) exhorted his co-accused not to spare the complainant. Then Gurvinder Singh attacked with the backside of his hand held *gandasa* on complainant's forehead whereupon he fell down on the floor. Then Gurjit Singh (the present petitioner) had tightly held his left arm and Hardev Singh held his right arm and Amandeep Singh and Kulwinder Singh held his left leg and Gurpreet Singh and Amarjit Singh alias Ambi held his right leg and Gursewak Singh (the present petitioner) had broken his left arm by hitting with his hand held gun's butt and then Darshan Singh had broken his right arm by hitting with his hand held gun's butt and Gurmeet Singh with his hand held iron rod had broken his right leg and Soni had broken his left leg with iron rod. Jasvir Singh had attacked with iron rod on his shoulder. Sukhwinder Singh had attacked with iron rod on his left upper arm. Randhir Singh held the complainant from his hair and on this, the complainant raised alarms. Then Jasvir Singh who lives with the complainant was also surrounded and caused injuries. Thereafter, the complainant tried to call up from phone with his right hand, on which Gursewak Singh alias Mithu (the present petitioner) had held the phone from his hand and snatched around a 05 tola gold kara which he was wearing in his right hand. In the meantime complainant's brother Randhir Singh, Pal Singh had shouted from far away on which all the aforesaid accused along



with their respective weapons fled away from the spot on their respective vehicles while threatening to kill.

4. Learned counsel for the petitioner(s), inter alia, contended that the petitioner namely Gurjeet Singh has been granted the concession of anticipatory bail and initially he was declared innocent in the present case and was granted anticipatory bail. While the other petitioner namely Gursewak was granted the concession of regular bail after remaining in custody for a period of 01 year and 03 months. The case has been remanded back by the Additional Sessions Judge vide order dated 15.12.2023 while observing that offence under Section 307 IPC, 1860 is not made out and the trial is now pending before the Court of Magistrate. Pursuant thereto, the complainant challenged order dated 15.12.2023 passed by Additional & Sessions Judge, Patiala, before this Court and this Court vide order dated 07.02.2024 stayed the proceedings of the trial. It is further contended that the present petitioner (Gursewak Singh @ Mithu) had surrendered before the trial Court as bail was cancelled by this Court vide order 02.05.2025 (Annexure P-5) and the petitioners are in custody for the last 03 months. It is also contended that since the trial has been stayed by this Court and is not proceeding, the petitioners cannot be kept behind the bars for an indefinite period. He further prayed for grant of concession of regular bail while submitting that the petitioners are ready to abide by any condition(s) imposed by this Court, if they are granted the concession of bail.



5. On the other hand, learned counsel for the State opposed the bail by way of filing custody certificate and submitted that after release on bail, the petitioners had extended threat to the complainant and are also involved in another FIR bearing No.209 dated 11.11.2019 under Sections 323, 355, 452, 506, 148, 149 IPC, 1860 and Sections 25, 27 of Arms Act registered at Police Station Samana, District Patiala against the present petitioner(s) as there is a property dispute regarding inheritance of Hari Singh between his daughters Sarabjit Kaur, Gurpreet Kaur and Charanjit Kaur and Harvinder Kaur alleged second wife and Prabhjot Kaur alleged minor daughter from the second wife. As such, a civil litigation between the parties in this regard is also pending before the trial Court for adjudication.

6. Heard.

7. Keeping in view the facts and circumstances of the present case and the fact that the trial is not proceeding as there is stay granted by this Court vide order dated 07.02.2024 (Annexure P-7); the present petitioners are in custody for the last 03 months and cannot be kept behind the bars for an indefinite period; except the present litigation with the complainant, they are not involved in any criminal activity; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and it is a trite principle of



criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

8. Therefore, without expressing any opinion on the merits of the case, both the petitions are **allowed**. The petitioners are ordered to be released on regular bail on their furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned *subject to condition that the petitioners will not contact the complainant or any of his/ her family members or extend any threat to them. However, it is made clear that in case the petitioners breach any of such conditions as imposed, the complainant is at liberty to move an application before the trial Court and the trial Court, after hearing the parties, shall take a decision itself regarding cancellation of bail, in accordance with law.*

9. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

(SUBHAS MEHLA)
JUDGE

01.12.2025
Sonia Puri

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No