



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

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CRM-M-58126-2024

Date of decision: 05.03.2025

Gurdeep Singh @ Vakil

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Baljinder Singh, DAG, Punjab.

Mr. Vipin Mahajan, Advocate with
Ms. Gagan Bir Kaur Kahlon, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.0083 dated 25.05.2020 under Sections 302, 307, 506, 34, 120-B of the IPC and Sections 25/29, 54, 59 of the Arms Act, 1959 registered at Police Station Sadar, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner submits that even though the petitioner has been in custody since 25.05.2020, the trial has not concluded and hence, on ground of the petitioner's long incarceration only, the petitioner deserves to be extended the concession of bail.

3. *Per contra*, learned State counsel assisted by learned



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counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite by contending that only two prosecution witnesses remain to be examined and thus, there is every likelihood that the trial would not take much time to conclude. It has also been submitted that it is case based on eye witness account where in the occurrence in question the petitioner fatally fired at one Manjot Singh and inflicted firearm injuries on two other persons; the stamped witnesses while deposing before the learned Trial Court, had supported the case of the prosecution in its entirety. Learned counsel have, therefore, submitted that in case the petitioner is enlarged on bail at this stage, there is a genuine apprehension that the petitioner could abscond during trial. Learned State counsel, on further instructions, has submitted that the next date fixed before the learned Trial Court is 11.03.2025 when in all likelihood evidence of the prosecution shall stand concluded.

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

5. It would be apposite to reproduce the contents of the FIR annexed as Annexure P-1, which stand reproduced hereinunder:-

*“Statement of Kuldeep Singh S/o Harbhajan Singh R/o Village Said Mubarak Kulian Patti Police Station Sadar Batala age 42 years mobile no. 9878909915 stated that I am resident of above mentioned address and I am agriculturist by profession. Today at about 6:30 PM, myself. my brother Kulwinder Singh, nephew Arshpreet Singh S/o Satnam Singh, Surinder Singh S/o Pal Singh, Manjodh Singh S/o Sucha Singh, Lovedeep Singh S/o Savinder Singh were standing outside village boundary and talking to each other mean while **Gurdeep Singh** advocate S/o Joginder Singh, his father Joginder Singh s/o Amar Singh. Mother Kulwant Kaur w/o Joginder Singh,*



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sister-in-law who is wife of Kuljit Singh fauji and wife of **Gurdeep Singh** Advocate carrying rods, sticks in their hand after taking JCB from their house and tried to take illegal possession on the pond (Chappar) owned by government. We all went near them there and tried to explain to **Gurdeep Singh** Advocate and his family members to present there not to take illegal possession over the pond (chappar (but they started using abusive language due to this we had quarrel with **Gurdeep Singh**. Time about 7-15 PM **Gurdeep Singh** Advocate used abusive language to us and said to run away and took pistol a out of his belt and his mother Kulwant Kaur, his sister-in-law (brother's wife) and his wife in unison shouted a Lalkara let's teach them a lesson for stopping us to take possession of the pond. Then **Gurdeep Singh** fired a gunshot from the pistol in his hand towards us which hit on backside of head of our companion Manjodh Singh S/o Sucha Singh and he fell down. Then **Gurdeep Singh** fired second gunshot which hit on the right shoulder of the Lovedeep Singh then Savinder Singh and third gunshot by **Gurdeep Singh** hit on Arshpreet Singh S/o Satnam Singh hit on my nephew right side of waist We shouted "Maar Dita Maar Dita" then they Joginder Singh S/o Amar Singh take pistol from his son **Gurdeep Singh** fire a gunshot on Manjodh Singh when he was laying down which hit in the left side in the stomach. We shouted "Maar Dita Maar Dita" then they along-with their weapons and JCB ran away from the spot This entire incident has been seen by me and my brother Kulwinder Singh, Savinder Singh and victim. We arranged a vehicle and took the injured Manjodh Singh, Lovedeep Singh and Arshpreet Singh to Civil Hospital, Batala then doctor referred to Amritsar for treatment. That when we reached at Amandeep Singh Hospital doctor declared Manjodh Singh brought dead and Lovedeep Singh and Arshpreet Singh are under treatment **Gurdeep Singh** and others are having land adjoining to Chappar and they want to add the pond (chappar) with their land so want to take illegal possession. We tried to explain to them not to take illegal possession over the pond. Above said in this enmity have fired gunshot on Manjodh Singh, Lovedeep Singh, Arshpreet Singh and us fire with the intention to kill us. Due to which Manjodh Singh has died and Arshpreet Singh, Lovedeep Singh were injured abused and Accused **Gurdeep Singh** Advocate, Joginder Singh, Kulwant Kaur, Kuljit Singh Fauji's wife, **Gurdeep Singh** Advocate's wife are the culprits. Legal action be taken against them. Today I along with my family members an present at Amandeep Hospital Amritsar where you reached and recorded my statement and I presented refer slip to you. Statement read

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over understand it is correct. SD KULDEEP SINGH attested correct Sukhraj Singh SHO PS Sadar Batala Dated 24-5-2020”

6. *Prime facie*, there are serious and specific allegations against the petitioner of having fatally injured the deceased and at the same time having inflicted firearm injuries on the complainant and one other person. No doubt, the petitioner has been in custody for more than four and a half years having been arrested on 25.05.2020, however, keeping in view the stage of trial coupled with the fact that as per instructions received by the learned State counsel, the prosecution witnesses (alleged eye witnesses/stamped witnesses) have supported the case of the prosecution in its entirety, this Court is not inclined to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is hereby dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. At this stage, a request has been made by learned counsel for the petitioner for issuing directions to the learned Trial Court for expeditious conclusion of the trial.

10. The learned Trial Court is directed to make earnest efforts to expedite the trial and conclude it at the earliest in view of the long incarceration of the petitioner, preferably on or before 31.05.2025.

05.03.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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