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

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Date of Decision: 25.09.2025

JOGINDER SINGH

PETITIONER

VS

STATE OF PUNJAB

RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Tarun Vir Singh Lehal, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No. 117 dated 23.11.2023 under Sections 302,353,186 of IPC and Section 21(1) of Mining Act registered at Police Station, Rangar Nangal, District Gurdaspur.

2. The present FIR was registered on the statement of Gurmeet Singh, who is working as a Baildar in the Canal Department, alleging therein that on the directions of Junior Engineer Harman Kang, he along with Baildars Davinder Singh, Mukhtiar Singh, Prem Singh and Jeeta were deputed for patrolling during the intervening night of 22/23.11.2023 from 8:00 p.m. to 8:00 a.m. and for checking illegal mining activities causing damage to the canal embankment. All the aforesaid employees assembled at the Sub-Office, Panjgharian, where Baildar Darshan Singh along with his nephew Jatinderjeet

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Singh also arrived on a moped. Thereafter, the team proceeded towards village Panjgharian to Kotla for patrolling. At about 1:00 A.M., when they reached near Bridge Gharat Kotla Bajja Singh, they noticed a tractor (make Indo Farm) with a trolley parked at the spot. The said tractor, belonging to a person known to them, was being used for extraction of sand from the canal through labourers. On seeing the patrolling party, the labourers fled, however, petitioner-Joginder Singh was apprehended along with the tractor and trolley. The matter was immediately reported to J.E. Harman Kang, who directed them to bring the tractor and trolley to the Sub-Office, Panjgharian. In pursuance thereof, Baildar Darshan Singh sat on the tractor while petitioner drove it. Darshan Singh instructed him to take the tractor-trolley to the Sub-Office, but instead, Joginder Singh sped away towards Meerpur side. Darshan Singh climbed over the trolley and again asked the petitioner to stop. However, the petitioner while driving at a high speed, pushed Darshan Singh, who was sitting on the mud-guard of the tractor, with an intention to kill him. Consequently, Darshan Singh fell down and sustained serious injuries. The petitioner then managed to escape from the spot. The injured-Darshan Singh was taken to the hospital for treatment, where he succumbed to the injuries sustained.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case due to manipulation. The petitioner has never indulged in such illegal activities and he was not present at the spot of alleged incident. He further submits that it is not a case of murder rather at most possibility it may be a case of culpable homicide not amounting to

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murder. He further submits that as per the post-mortem report, injuries were inflicted on thigh of the deceased which in no way are sufficient to cause death of a person in ordinary course.

4. Learned State counsel has opposed the prayer made by the learned counsel for the petitioner on the ground that the allegations against the petitioner are quite serious in nature as he was indulged in illegal mining and caused the death of Darshan Singh. He has filed the custody certificate of the petitioner in the Court today and the same is taken on record. As per which, the petitioner is in custody for the last 01 years 09 month and 29 days. He further submits that out of 23 cited prosecution witnesses, 03 have been examined so far.

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

6. Having regard to the above mentioned facts and submissions made by learned counsel, at this stage, it could not be said that Section 302 is made out since the case could fall under Section 304 Part-II IPC. Moreover, the petitioner is in custody for last 01 year 09 month and 29 days; out of 23 cited prosecution witnesses only 03 witnesses have been examined so far, the continuous detention of the petitioner would not serve the ends of justice, therefore, this Court deems it a fit case to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the



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satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. It is clarified that if on bail so granted through the instant order, the petitioner is found indulging in any other criminal case it shall be open to the State to seek cancellation of his bail.

25.09.2025
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(H.S.GREWAL)
JUDGE

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