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

**CRM-M No.63835 of 2024
Date of decision : 29.07.2025**

Gurdeep Singh**.....Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Arshpreet Khadial, Advocate
for the petitioner.

Ms. Simran Gorla, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.206, dated 18.09.2023, under Sections 302, 458, 323, 427, 436, 148, 149/120-B of IPC, registered at Police Station Talwandi Sabo Bathinda, District Bathinda (Annexure P-1).

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Simarjit Singh @ Sikandar Singh @ Shambhu. It was alleged that on 13.09.2023, at about 9:30 p.m., he had gone to his village in connection with some work. However when he reached Gurughar, then Kalu son of Major Singh and Karmu son of Gurjant Singh started beating him. He was shifted to Civil Hospital Talwandi Sabo. Later on, in the night at about 10:30 p.m.,



Kalu, Karmu along with 3-4 other unidentified persons went to his house. Then Kalu and Karmu armed with iron rods trespassed in their house where his old parents were present. His mother, namely, Charanjit Kaur, informed him that on entering both of them had badly attacked his father, Lal Singh, who was lying in the courtyard and serious injuries were caused to him. His father was shifted to the Hospital. The request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced. During the treatment, Lal Singh succumbed to the injuries on 21.09.2023 and thus, the offence under Section 302 IPC was added. The complicity of the petitioner surfaced during the investigation on the supplementary statement of complainant dated 24.09.2023 and thus he was arrested on 25.09.2023. On completion of the investigation, the challan was presented and on framing of the charges, the trial Court commenced with the trial. The petitioner approached the Court of learned Additional Sessions Judge, Bathinda praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Bathinda declined the petition filed by the petitioner vide order dated 25.07.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that neither the petitioner was named in the FIR nor any role has been assigned to him, however he has been implicated in the present case in a due deliberated manner in the supplementary statement of complainant recorded on 24.09.2023, i.e. after about 11 days. He has submitted that



even otherwise the fatal injuries have been attributed to the co-accused and the petitioner was not assigned any specific role in the present case except being the member of the unlawful assembly. He has submitted that the petitioner is a handicapped person, whose one leg is amputated and thus, the allegations made, on the face of it, are false and frivolous. He has submitted that the petitioner has no criminal antecedents and he is behind bars from last more than 1½ years, however there is no material progress in the trial. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. She, on instructions, has submitted that the case of prosecution is based on the eye-witness account. The petitioner has been specifically named by the complainant in his supplementary statement. She has submitted that mother of the complainant was also present at the time of this alleged occurrence. She has submitted that the petitioner is a part of unlawful assembly which had entered the house of the deceased in a premeditated manner. She, on instructions, has submitted that out of 28 prosecution witnesses, only the complainant has been examined till date. She has produced custody certificate of the petitioner dated 28.07.2025 today in the Court and the same is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case on 24.09.2023 in the supplementary statement of complainant



whereas the occurrence has been taken place on 13.09.2023. The petitioner was alleged to be a part of unlawful assembly. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 09 months and 29 days as on 28.07.2025. It further shows that the petitioner has no criminal antecedents as he has never been involved in any other case.

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

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her 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.

29.07.2025

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Whether speaking/reasoned

Whether reportable

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Yes/No

Yes/No

(RAJESH BHARDWAJ)

JUDGE