



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

1.

CRM M-64121 of 2024

Date of Decision: 28.04.2025
- Dilabagh Singh @ Dilbag Singh

Versus

The State of Punjab
- ...Petitioner

... Respondent
2.

CRM M-5954 of 2025 (O&M)
- Sukhjinder Singh

Versus

State of Punjab
- ...Petitioner

... Respondent
3.

CRM M-5953 of 2025 (O&M)
- Kulwinder Singh

Versus

State of Punjab
- ...Petitioner

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Varun Goyal, Advocate
for the petitioners (in all the petitions).

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1.

This order shall dispose off three petitions, i.e., CRM M-64121-2024 titled as “Dilabagh Singh @ Dilbag Singh Vs. The State of Punjab”, CRM M-5954-2025 titled as Sukhjinder Singh Vs. State of Punjab and CRM M-5953 of 2025 titled as “Kulwinder Singh Vs. State of Punjab”.

2. The petitioner in CRM M-64121 of 2024 has prayed for grant of anticipatory bail, whereas, the petitioners in CRM M-5953 of 2025 and CRM M-5954 of 2025 have prayed for grant of regular bail in case arising out of FIR No. 167 dated 13.11.2024 under Sections 105, 61(2), 3(5) of BNS 2023 registered at Police Station Shahkot, District Jalandhar Rural.

3. The FIR in the present case was registered on the basis of the statement made by Sukhpal Singh son of Lakha Singh and the same has been reproduced below:-

“Statement of Sukhpal Singh s/o Lakha Singh r/o Village- Nangal Ambian, PS- Shahkot, Distt- Jalandhar aged 43 year, Mob. 9876016509 stated that I am resident of above mentioned address and an agriculturist. We are 2 brothers and 3 sisters and all are married. My elder brother Gurinder Singh aged 47 years s/o Lakha Singh r/o Nangal Ambian, PS-Shahkot, Jalandhar. That Sukhjinder Singh and Kulwinder Singh s/o Puran Singh and Satwant Singh s/o Sukhdev Singh r/o Nangal Ambian is having a land measuring 3 kanal on lease from last 10 year. The said land was sold by Kulwant Kaur w/o Jarnail Singh r/o Kotla, PO- Sekhe and executed a sale deed in favor of Balwinder Kaur w/o Nirmal Singh r/o Village Nangal Ambian. Thereafter my brother Gurinder Singh left the land. Thereafter Balwinder Kaur w/o Nirmal Singh was in possession of said land. Sukhjinder Singh also given a complaint against my brother in regard to same and due to that my brother was used to remain upset. At around 10:15 AM,

Sukhjinder Singh and Kulwinder Singh s/o Puran Singh and Dilbag Singh s/o Chainchal Singh r/o Nangal Ambian, PS- Shahkot plowed the land and forcibly took the possession of land. My Brother Gurinder Singh was also plowing his land situated near to said land. These persons came to my brother and further said him that you did not do good by selling our land to another one. Now we have taken the possession of land and whatever you want to do you can do. The said three persons came to my brother and started punching and pushing my brother and further lay down on land by holding him from throat. Kulwinder Singh and Dilbag started giving punches to my brother. After seeing all this I came forward in order to save and rescue my brother. All of these 3 persons ran away from the spot after seeing me over there. I saw my brother after going near to him and saw my brother died on the spot. Baljit Singh s/o Nirmal Singh and Gurbhej Singh s/o Mohan Singh who is working in their field nearby and my father Lakha Singh have also reached on the spot. So legal action may kindly taken against him. Kulwinder Singh and Sukhjinder Singh and Dilbag Singh s/o Chaichal Singh r/o Village Nangal Ambian, Distt-Jalandhar have threatened, intimidated and beaten my brother Gurinder Singh to death. Satwant Singh s/o Sukhdev Singh r/o Nangal Ambian, PS- Shahkot is the main conspirator behind the death of my brother Gurinder Singh. So legal action may kindly be taken against these persons.”.

4. Learned counsel for the petitioners submits that the complainant had got the FIR registered by concealing the material

facts in the present case. In fact, all the petitioners are senior citizens and it is highly improbable that they had caused death of Gurinder Singh, who was a young man. In fact, the petitioners were present on the spot, where, Gurinder Singh, since deceased had fallen down and was unconscious. Even, Dilabagh Singh, petitioner had offered his car to shift Gurinder Singh to hospital. Even, from where several videos are available with the police, which clearly showed that no fight had taken place between the parties. Learned counsel further contends that as per MLR (Annexure P-4), no external mark of injury was found on the dead body. Still further, the cause of death could not be ascertained by the police during the course of investigation and even, no offence under Sections 105, 61(2) and 3(5) of BNS was made out against the petitioners.

4. A status report was filed by way of an affidavit of the SSP, Jalandhar (Rural) before this Court and the same was taken on record. It was clearly stated in the status report that as per the MLR of Gurinder Singh, there was no external mark of injury in the present case. After receipt of the report of the chemical examiner and histopathological report, the SHO, Police Station Shahkot, wrote a letter to SMO, Civil Hospital Nakodar to determine the cause of death of Gurinder Singh and a Medical Board comprising of three doctors submitted the opinion as follows:-

"After going through report of chemical examination of viscera no. 154 dated 14/01/2025 and histopathological

examination of viscera from GMC Amritsar no. 4120/24 dated 26/12/2024 the board of doctors is of the opinion that the cause of death in this case cannot be ascertained. The dead body of deceased person had no external injury."

Thereafter, another letter was sent by the SHO, Police Station Shahkot to the SMO, Civil Hospital Nakodhar on 17.01.2025 and a request was made to answer the following queries:-

- "i. Whether the death of Gurinder Singh could be a result of scuffle?*
- ii. Is the death of Gurinder Singh due to natural circumstances?*
- iii. If not scuffle, is the death of Gurinder Singh possible due to any other reason."?*

Thereafter, the SMO, Civil Hospital, Nakodhar opined and replied as under:-

"In response to your above said letter the Board of Doctors is of opinion as per question serial no.

Ans. no. 1. The possibility of death being cause due to physical assault is rare.

Ans. no. 2. The possibility of death being natural cannot be ruled out.

Ans. no. 3. The possibility of death being caused due to causes other than physical assault, cannot be ruled out.

Sd/-Dr. Surinder Pal Medical Officer Civil Hospital Nakodar

*Sd/-Dr. Jasbir Singh Medical Officer Civil Hospital
Nakodar*

*Sd/-Dr. Jasdeep Singh Medical Officer Civil Hospital
Nakodar."*

5. During the course of hearing before this Court vide order dated 20.02.2025, this Court had directed the Director of PGIMER, Chandigarh to constitute a Board of three doctors and IO was directed to produce all the documents before the Board. The Director of PGIMER, Chandigarh, was directed to prepare two reports in original and one copy was ordered to be handed over to the IO of the present case also. In compliance of the orders passed by this Court, a detailed report has been prepared by a Medical Board constituted by Director, PGIMER, Chandigarh with regard to the cause of death and the relevant extract reads as follows:-

“Final Opinion of the board:

After considering the histopathological examination report conducted at PGIMER, CHD vide S-10039/2025 dated 23-04-25, PMR No.M403000802400145 dated 14-11-2024, GMC Amritsar Histopathology report with No. 4120/24 dated 26-12-2024, Assistant Chemical examiner Report, Govt of Punjab Kharar with dispatch No.171 dated 14-01-2025, subsequent opinions of previous medical boards, photographs, video of the incident scene, all the police inquest papers, available medical records, the medical board is of the opinion that the deceased Gurinder Singh s/o Lakha Singh died likely due to "Acute Myocardial infarction in a preexisting

case of Triple vessel coronary artery disease, a natural cause".

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

7. From a bare perusal of the record, it is apparent that no marks of external injury were noticed by the Board of Doctors, while conducting the postmortem examination of the dead body of Gurinder Singh. Even, as per the Medical Board constituted by PGIMER Chandigarh, the death of Gurinder Singh was a natural death and it was opined that Gurinder Singh died due to **“Acute Myocardial infarction in a preexisting case of Triple vessel coronary artery disease, a natural cause”**.

8. Thus, in view of the above discussion and the report prepared by the doctors of PGIMER, Chandigarh, the petition filed by Dilabagh Singh @ Dilbag Singh (CRM M-64121 of 2024) is allowed and he is granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of the BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of the BNSS.

9. The petitions (i.e., CRM M-5953 of 2025 and CRM M-5954-2025) Sukhjinder Singh and Kulwinder Singh are also

allowed and the petitioners Kulwinder Singh and Sukhjinder Singh are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

28.04.2025	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No