

2025:PHHC:060965



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

221/2

CRM-M-1219-2025

Date of decision: May 06, 2025

GURPREET SINGH @ GORA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manmeet Singh Bindra, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Mr. Kamal Narula, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the second petition filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.36 dated 08.04.2022 (Annexure P-1) under Sections 302, 323, 148, 149 of the IPC, 1860, registered at Police Station Kot Ise Khan, District Moga.

2. The FIR (Annexure P-1) was registered on the statement of the complainant-Nirbhai Singh. As per the FIR, on the morning of 02.04.2022 at around 7.30 a.m., while the complainant was having tea with his family members - his brother Nirmal Singh (hereinafter referred to as 'the deceased'), nephew Palwinder Singh and mother Surjit Kaur - the accused Tirath Singh, Gurpreet Singh (the petitioner herein), Sukha Singh and four other unknown persons allegedly came armed with weapons including a sword, stick and a baseball bat (*sotta*). The accused party began demolishing



a wall belonging to the complainant's family. When the complainant and his family attempted to intervene, the accused party allegedly inflicted injured on them.

3. As per the allegations, accused Tirath Singh gave sword blow to the complainant. When the complainant's family tried to save him, the other accused including the petitioner attacked them. The mother of the complainant, Surjit Kaur, sustained injuries on her limbs, his nephew suffered injuries to his head and shoulders, and his brother, Nirmal Singh, deceased, sustained severe injuries to his head, chest, neck and leg. Nirmal Singh later succumbed to his injuries in the hospital.

4. In his supplementary statement, the complainant attributed the head injury sustained by the deceased to the petitioner, stating that the petitioner struck the deceased with a *sotta* on his head, causing him to fall. It was only after this initial blow, as per the complainant, that the other co-accused inflicted other injuries upon the deceased.

5. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present FIR due to a long standing property dispute with the family of the complainant. It is argued that the injuries attributed to the petitioner, although false, is a single blow with a *sotta*, which by itself, was not fatal. It has been further submitted that the petitioner has been in custody since 08.04.2022 and the case has been proceeding at a very slow pace with only 2 out of 15 prosecution witnesses examined so far. It has been further submitted that the sword injury inflicted



by co-accused Tirath Singh was the proximate cause of death of the deceased. A prayer has, therefore, been made for enlarging the petitioner on bail as there is no possibility of the trial concluding in the near future.

6. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, have vehemently opposed the prayer and submissions made by learned counsel for the petitioner by inviting the attention of this Court to the allegations levelled in the FIR in question. It has been pointed out that not only was the petitioner specifically named in the FIR, which was lodged promptly but he actively participated in the assault and inflicted the very first blow on the head of the deceased, leading to a chain of fatal events.

7. It has been submitted by the learned State counsel that the most material witness i.e. the complainant, while stepping into the witness box, stood his ground and reiterated the allegations levelled against the petitioner. Hence, no ground is made out to extend the concession of regular bail to the petitioner in the instant case. It has also been submitted that the occurrence was a premeditated one executed by the accused party. Furthermore, the role specifically attributed to the petitioner and the gravity of the allegations negate the possibility of any leniency towards the petitioner.

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

9. As per the instructions received by the learned State counsel and also brought to the notice of this Court by the learned counsel for the

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complainant, the most material witnesses including the complainant have fully supported the case of the prosecution while deposing before the learned trial Court. The role attributed to the petitioner is specific and *prima facie* significant as he allegedly inflicted a blow on the head of the deceased with a *sotta*, causing the deceased to fall to the ground, thereby precipitating further fatal injuries by other co-accused. The sequence of events indicates that his act was not only deliberate and violent but also *prima facie* catalytic to the fatal assault. The ocular and medical evidence *prima facie* supports the prosecution case.

10. In view of the foregoing, this Court does not deem it fit to extend the concession of regular bail to the petitioner.

11. Accordingly, the instant petition stands dismissed.

12. 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.

May 06, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*