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

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CRM-M-6394-2026
Date of decision: 27.04.2026

GURCHARAN SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

. RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate,
Mr. R.S. Bagga, Advocate.
Mr. J.S. Kang, Advocate
for the petitioner.

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

SURYA PARTAP SINGH, J.

1. This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.148 dated 20.10.2023, for the commission of offence punishable under Sections 302, 404, 341, 148 & 149 [Sections 120-B/34 added later on] of Indian Penal Code



and Sections 25 & 27 of Arms Act, Police Station Kot Ise Khan, District Moga.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Kulwinder Kaur', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 20.10.2023, at about 7:00 AM, her father-in-law 'Veer Singh' (Sarpanch) alongwith 'Ranjit Singh', 'Taranjit Singh', 'Piara Singh', 'Dev Singh and 'Balwinder Singh' was on morning walk on the road leading to village Galoti. As per complainant, she herself, too, alongwith her sister-in-law 'Karamjit Kaur' and her son 'Karanvir Singh' was on morning walk and following them. According to complainant during the above-mentioned walk near the tube-well of 'Nirmal Singh @ Nimmo', 14-15 persons travelling in two cars and 3-4 motorcycles came and surrounded 'Veer Singh' and others. The complainant further stated that they launched an assault upon 'Veer Singh' and others, and that amongst the above-said assailants 'Gurcharan Singh @ Sukhdev Singh' (the petitioner herein) was armed with a revolver, 'Gurdeep Singh' with a .12 bore double barer gun, 'Surinder Singh @ Kindi' with a *Kappa*, and that they all exhorted to teach a lesson and launched an attack upon them. As per complainant in the above-mentioned attack 'Sukhdev Singh' fired a shot from his revolver hitting the head of 'Veer Singh', whereas 'Gurdeep Singh' fired a gunshot, with his double barrel gun, hitting the stomach of 'Ranjit Singh'. According to complainant both of them fell on the road and ultimately succumbed to their injuries.

3. It is the case of the prosecution that pursuant to above-mentioned statement, formal FIR of this case was lodged and the investigation taken up.



As per prosecution during the course of investigation the petitioner was arrested and the weapon of offence was recovered from his possession.

4. Heard.

5. It has been contended by learned Senior counsel for the petitioner that the petitioner is innocent, who has been falsely implicated in the present case. According to learned Senior counsel for the petitioner in fact instant case is a case of group fighting between two factions, and that in the above-mentioned group fight, the son of petitioner had suffered gun-shot injury, but this fact does not find mentioned in the FIR. As per learned Senior counsel for the petitioner, in view of above the credibility of FIR version is rendered unreliable.

6. According to learned Senior counsel for the petitioner otherwise also in the present case the petitioner is already in custody for a period of more than two and half years, and that nothing has been left to be recovered from the possession of petitioner. It has also been contended by learned Senior counsel for the petitioner that the trial is taking place at snail's pace, and that the last witness examined by the prosecution was on 11.07.2024, and thereafter, despite a lapse of almost one year and nine months, any other witness has not been examined.

7. In addition to above, the learned Senior counsel appearing for the petitioner has also contended that the benefit of bail has already been accorded to co-accused 'Gurdeep Singh' against whom there was allegation of inflicting fatal injury on the person of 'Ranjit Singh'. While claiming that the petitioner has clean antecedents and detention of petitioner is not likely to serve any purpose, the learned Senior counsel for the petitioner has sought for the benefit



of bail for the petitioner.

8. The above-mentioned arguments have been controverted by learned State counsel. According to learned State counsel in the present case there are very specific and categorical allegations against the petitioner with regard to firing gun-shot on the person of 'Veer Singh' which proved to be fatal. According to learned State counsel since the weapon recovered from the possession of petitioner matches with the metal found inside the body of deceased, the role attributed to the petitioner in the FIR stands proved, with the help of scientific analysis.

9. It has also been contended by learned State counsel that on parity, also, the petitioner is not entitled to bail, as the co-accused Gurdeep Singh to whom the benefit of bail has been given by the co-ordinate Bench, a weapon was recovered, but as per FSL report the above-mentioned weapon did not match with the metal found inside the body of deceased 'Ranjit Singh'. As per learned State counsel the above-mentioned reason was the prime reason for granting the benefit of bail to the co-accused 'Gurdeep Singh'. The learned State counsel has contended that the above-mentioned ground is not available to the petitioner.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that in the present case there are allegations with regard to commission of murder of two persons at one point of time;
- ii) that as per FIR version, all the accused with a premeditated



mind, and armed with various weapons such as fire arms and sharp edged weapons, came on several vehicles intercepted the deceased & his associates, and assaulted them and inflicted fatal injuries. The above-mentioned allegation makes it abundantly clear that the offence has been committed with a premeditated mind;

- iii) that in the present case there is very specific and prominent eye-witness account implicating the petitioner in the commission of crime;
- iv) that a pivotal role in the commission of crime of murder has been attributed to the petitioner, as there is allegation that the gun-shot fired by the petitioner was responsible for the death of Veer Singh;
- v) that in view of significant role attributed to the petitioner and the gravity of offence, the other minor discrepancies, in the story set-out by the prosecution, pales into insignificance.
- vi) that although it is true that the petitioner is in custody for a period of two and half years, but in the given fact situation particularly in view of the gravity of offence, the above-mentioned period cannot be treated to be a period which may invite an interference that on account of delay in trial the petitioner is entitled for bail.

12. Taking into consideration the cumulative effect of all the above-mentioned factors, it is hereby observed that the present petition is devoid of



merit and deserves dismissal. Hence, the sane is hereby **dismissed** accordingly.

(SURYA PARTAP SINGH)
JUDGE

27.04.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No