

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:079086



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CRM-M-13256-2026 (O&M)

Gurwinder Singh @ Ginda

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	18.05.2026
2.	The date when the judgment is pronounced	20.05.2026
3.	The date when the judgment is uploaded on the website	20.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Ghumman, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

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Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner seeking grant of regular bail in case arising out of FIR No.93, dated 23.05.2025, registered under Sections 103, 3(5) of the BNS (offence under Section 238 of the BNS was added and Section 3(5) of the BNS was deleted lateron), at Police Station Kartarpur, District Jalandhar Rural.
2. The aforementioned FIR was registered on the basis of

statement recorded by complainant – Sewa Kaur, alleging therein that her only son Jasvir Singh @ Bitta was married with Nachattar Kaur. Nachattar Kaur along with Gurwinder Singh @ Ginda i.e. the present petitioner used to live in her native village Ram Singh Pur. Both of them used to ignore her son Jasvir Singh. During his visits to her house, Jasvir Singh had disclosed that Nachattar Kaur and the petitioner had been extending threats to kill him and also used to beat him up. She alleged that on 23.05.2025, she came to know that her son Jasvir Singh had been murdered by someone. By alleging that the petitioner and her daughter-in-law Nachattar Kaur, had a hand in the homicidal death of the victim, she prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. Post Mortem Examination of the dead body of the victim was conducted and as per the opinion of the doctors, the cause of death of victim was hemorrhage/ shock due to injury in the nature of incised wound which was ante mortem in the ordinary course of nature. The petitioner and his mother Nachattar Kaur were arrested on 23.05.2025. The petitioner suffered disclosure statement admitting his involvement in the murder of the victim and got recovered blood stained *datar* used in the crime. Nachattar Kaur was found to be innocent and had been released from custody and was not challaned. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of suspicion raised by the complainant. There is no witness to the murder of the victim. The story of his hatching a conspiracy with his mother stands completely falsified as his mother has been found to be innocent. The complainant and material

witnesses have since been examined and have turned hostile. He is in custody for a period of about 01 year. The trial will take considerable time to conclude as only 04 out of 16 prosecution witnesses have been examined so far. The case rests upon circumstantial evidence and there is no circumstance to connect him with the crime. It is, thus, argued that the petitioner deserves to be extended the benefit of bail.

5. Per contra, learned State counsel while relying upon the status report has argued that taking into consideration the gravity of the allegations as levelled against the petitioner, the fact that the weapon of offence was recovered at the instance of the petitioner and the other connected circumstances, the petitioner does not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties at length.

7. The petitioner is alleged to have committed the murder of his own father i.e. victim Jasvir Singh @ Bitta. He was named by the complainant Sewa Kaur. However, in her sworn deposition as recorded before the learned trial Court, she has not implicated the petitioner in the commission of subject offences. PW2 Kashmir Singh, who had identified the dead body of the victim and had also recorded his statement raising suspicion on the petitioner, has also not supported the prosecution version. Two more witnesses, i.e. PW3 Kuldeep Singh and PW4 Manjinder Singh have also resiled from their respective depositions as recorded before the learned trial Court. There was no eye witness to the murder of the victim. There is also no material on record at this stage to show that the weapon

which was recovered at the instance of the petitioner, was containing the blood stains of the victim and none else. The trial will obviously take considerable time to conclude. Taking into consideration the above discussed facts, this Court is of the considered opinion that continued detention of the petitioner is not going to serve any useful purpose. It is well settled proposition of law that pre-trial incarceration of an accused should not be a replica of post conviction sentencing. Accordingly, this Court is of the considered opinion that the petitioner deserves to be extended the benefit of bail. The petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

20.05.2026

harjeet

**(MANISHA BATRA)
JUDGE**

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