

2026:PHHC:086637



202

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14867-2026 (O&M)
DECIDED ON: 04.06.2026

GURWINDER SINGH @ MONTY

.....PETITIONER(S)

VERSUS

STATE OF PUNJAB

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Saini, Advocate
for the petitioner(s)

Mr. Rajiv Verma, Addl. AG. Punjab

SANDEEP MOUDGIL, J (ORAL)

CRM-16403-2026

Application is allowed, as prayed for.

Annexure P-5 is taken on record, subject to all just exceptions.

CRM-M-14867-2026

1. Relief sought

The jurisdiction of this Court has been invoked under Section 483 of BNSS, 2023(439 CRPC) for grant of Regular bail to the petitioner Gurwinder Singh alias Monty in case FIR No.48 dated 12.06.2023 (Under Sections 302 IPC- 103 BNS, 201IPC- 238 BNS, 328 IPC-123 BNS, 120-B IPC-61 BNS) Police Station- Kheri Gandian., District-Patiala.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“One written statement of Jasvir Singh son of Ajmer Singh resident of Village Pabri Police Station Kheri Gandian, District Patiala,, aged about 55 years Mobile No. 94646-70093 from SI/SHO Sukhvinder Singh No.11/LPCT Police Station Kheri Gandian for registration of case against unknown persons under Sections 302, 201, 34 IPC through Constable Harjit Singh No.867/PTL was received in the Police Station the contents of which are as follows, "Stated that I am resident of above said address and does the work of agriculture. I have got 2 sons. Elder son Balwinder Singh and younger son Ravinder Singh. Both the sons are married. My elder son Balwinder Singh does the work of Milk supply and younger son Ravinder Singh does private work at Mohali. Yesterday on 11.06.2023, my elder son Balwinder Singh aged about 32 years at about 7-7.30. P.M. left from home for supply of milk on his Motorcycle No. PB 39J 2699, Make Hero Deluxe to Rajpura, but till night he did not return home. He was contacted on mobile No.9917310009 which was switched off. We searched out him for sufficient long time but he could not be contacted. Today, I, alongwith son of my sister in law Surjit Singh son of Ajaib Singh resident of Village Bhirwal Jhugia along with Dharam Singh son of Didar Singh resident of Village Pabri, to search out my son were going to village Damanheri. When we reached the bank of choi (small pond) at the side of Hadda Rori, the motorcycle of my son Balwinder Singh No.PB-391-2699 Make Hero Deluxe alongwith unknown persons tied up hands and feet with rope of red coloured and threw him in choya (small pond) and murdered my son and to mutilate the body of my son Balwinder Singh hurled the dead body in the choya. After leaving behind my younger son side by dead body of my son Balwinder Singh and Dharam Singh son of Didar Singh, were coming to you for giving intimation alongwith Surjit Singh and Ajaib Singh resident of Village Bhodhwal Ghugian, you have met at the gate of Pabri Anaz Mandi. The statement have been got recorded and have

heard it. Sd/- Jasvir Singh (Informant). Verify the statement Sd/- Surjeet Singh. Certified.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that no specific injury or role has been attributed to him. He further submits that no such incident occurred which could be linked to the death of Balwinder Singh, nor there is any CCTV footage implicating the petitioner.

The attention of this Court has been drawn to an order dated 19.03.2026 (Annexure P-5) passed in CRM-M-32744-2025 vide which co-accused Rajni Kaur has already been granted the concession of regular bail.

It is argued that nothing is to be recovered from the petitioner, who is in custody since 18.07.2023, wherein challan was presented on 20.10.2023, charges were framed on 21.08.2024, and thereafter only 5 out of the 35 prosecution witnesses have been examined.

On behalf of the State/complainant

Status report filed by way of an affidavit of Daljit Singh Virk, PPS, Deputy Superintendent of Police, Circle Ghanuar, District Patiala, is taken on record.

Learned State counsel has also produced the custody certificate of the petitioner, which is taken on record.

Per contra, learned State counsel opposes the grant of bail and submits that the petitioner is the main conspirator in the present case. It is contended that the petitioner was allegedly involved in an illicit relationship with co-accused Rajni Kaur, wife of the deceased, and since the deceased had become

suspicious of their relationship, a conspiracy was hatched to eliminate him. In furtherance of the said conspiracy, the petitioner allegedly paid Rs. 2,00,000/- to the co-accused persons, remained present at the spot, actively participated in administering an intoxicating substance to the deceased, caused injuries to him and, along with the co-accused, tied the deceased with a plastic rope and threw him into a nearby choya filled with dirty water. It is further submitted that, pursuant to the disclosure statement suffered by the petitioner, an empty bottle of poison was recovered during the course of investigation, thereby establishing his active involvement in the commission of the offence.

4. **Analysis & Conclusion**

In the present case, the allegations against the petitioner are grave and serious in nature. As per the prosecution case, the petitioner is not merely a participant but the main conspirator behind the occurrence. The motive attributed to him stems from his alleged illicit relationship with co-accused Rajni Kaur, wife of the deceased, and the consequent suspicion entertained by the deceased. The prosecution has specifically alleged that the petitioner played an active role in hatching the conspiracy, arranging payment to the co-accused persons for execution of the plan, remaining present at the spot, administering the intoxicating substance to the deceased, causing injuries to him and thereafter disposed of by throwing into a water-filled choya after tying him with a plastic rope. Furthermore, an empty bottle of poison is stated to have been recovered pursuant to the disclosure statement suffered by the petitioner during investigation.

The contention raised on behalf of the petitioner regarding parity with co-accused Rajni Kaur does not advance his case. The question of parity is not to be examined in a mechanical manner and the role attributed to each accused has to be independently assessed. In the present case, the prosecution has attributed a

distinct and more active role to the petitioner, who is alleged to be the prime mover of the conspiracy and a direct participant in the execution of the crime. Therefore, the order granting bail to the co-accused cannot, by itself, constitute a ground for extending the same relief to the petitioner.

The Court while considering the bail petitions is conscious that personal liberty has to be weighed and balanced with societal/public interest at large, and ensure that the course of justice is not thwarted by the powerful and influential accused persons.

Considering the nature of accusations, the specific role attributed to the petitioner, the manner in which the offence is alleged to have been committed and the material collected during investigation, this Court is of the opinion that no case for grant of regular bail is made out.

Accordingly, the present petition is dismissed.

However, nothing observed herein shall be construed as an expression of opinion on the merits of the case and the trial Court shall proceed independently in accordance with law.

04.06.2026

Meenu

(SANDEEP MOUDGIL)
JUDGE

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