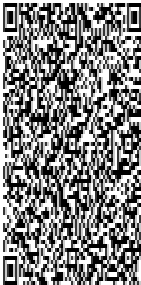


2026:PHHC:032833



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17333 of 2025

Varinder Singh @ Ravinder Singh @ Gagan ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	12.02.2026
2.	The date when the judgment is pronounced	27.02.2026
3.	The date when the judgment is uploaded on the website	27.02.2026
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. Manbir Singh Basra, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under

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Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in DDR No.20 dated 10.07.2024 registered under Sections 103, 109, 132, 221, 324(4), 191(3), 190, 303(2), 317(2) and 238 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and Sections 25, 27 and 30 of Arms Act, 1959 (For short “Act, 1959”) which is cross version of FIR No.77 dated 08.07.2024 registered under Sections 103, 109, 132, 221, 324(4), 191(3), 190, 303(2), 302, 317(2) and 238 of BNS and Sections 25, 27 and 30 of Act, 1959 at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

2. As per the allegations, on 07.07.2024, on receipt of an information that members of group headed by one **Angrej Singh** and rival group of **Tarsem Singh** were having altercation with each other in the area of Light Chowk, Shri Hargobindpur, Inspector SHO Satpal Singh rushed there and on reaching at the spot, it was found that the members of both the groups had exchanged fire with each other and in the incident, Shamsheer Singh and Baljit Singh members of group of Angrej Singh had died whereas from the other side, Nirmal Singh and Balraj Singh had been killed by sustaining firearm injuries. Several members of both the groups had sustained injuries and had been taken to hospital.

3. After registration of FIR, investigation proceedings were initiated. Postmortem examination of dead bodies of Baljit Singh, Shamsheer Singh, Balraj Singh and Nirmal Singh was conducted. On 10.07.2024,

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Tarsem Singh (member of group No.2) recorded his statement to the effect that on 07.07.2024, his nephew Varinder Singh i.e. **the present petitioner**, who was going on a motorcycle along with his wife Jasbir Kaur, had informed his father that the persons named as accused therein by forming membership of an unlawful assembly, had been following them with an intent to kill them. On hearing so, Tarsem Singh along with his family members and other persons had rushed towards Light Wale Chowk making search of his nephew Varinder Singh. He disclosed that the accused persons armed with weapons were present there. They came out of their vehicles. Accused Angrej Singh had raised lalkara to kill them and then shots were fired at him. His brother Nirmal Singh and Balraj Singh had sustained firearm injuries and had fallen on the ground. The accused Baljit Singh and Shamsher Singh had also opened fire thereby injuring left hand of his nephew Gurpreet Singh. Other persons had also sustained injuries. On the basis of his disclosure, 22 persons were nominated as accused.

4. As per the further allegations, on 10.07.2024 itself, Angrej Singh of group No.1 also recorded his statement on the basis of which members of group No.2 were nominated as accused. A cross case bearing DDR No.20 was registered. The petitioner was arrested on 23.12.2024. The co-accused were subsequently arrested. Investigation now stands completed.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In DDR No.20 which was entered as a

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cross case on the basis of statement of Angrej Singh, he was neither named nor any specific act had been attributed to him. However, the report of SIT is on a different footing as per which he was present at the spot and was seen in the CCTV camera armed with a datar and then while taking a .32 bore revolver from one Navninderjit Singh. Infact, the members of other group had opened assault upon him and his wife and he was not the aggressor. It is not the case of the prosecution that he had used any firearm or caused firearm injury to any other person. The report of investigation conducted by the SIT is contradictory to the contents of the cross version. His mere presence at the scene of crime does not show his involvement in commission of offence of murder. He is in custody since long. The trial will take considerable time to conclude. No purpose would be served by detaining him in custody any more. It is, therefore, argued that the petition deserves to be allowed.

6. Per contra, learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner who formed unlawful assembly with the co-accused. He was seen in the CCTV footage while taking firearm from the co-accused and making attempt to shot with the same. His active complicity in the crime prima facie stands established. It is, thus argued that the petition does not deserve to be allowed.

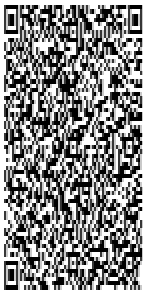
7. This Court has considered the rival submissions.

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8. The DDR No.17 dated 10.07.2024 was registered on the basis of statement recorded by Tarsem Singh, a member of the group of the present petitioner alleging that on 07.07.2024, when the petitioner was going to drop his wife on his motorbike, the members of other group had intercepted him and had opened assault upon him to kill him and then he had made a call to his father who informed Tarsem Singh who had reached at the spot. Interestingly, in the cross DDR No.20, the factum of presence of the petitioner had not been mentioned by Angrej Singh, who was lodger of the abovesaid DDR nor any role has been attributed to him and it is on the basis of the SIT report that he was nominated as an accused in this case. It is a case of version and cross version. The presence of the petitioner at the spot prima facie stands established. However, it is only on thorough assessment of the evidence to be produced during trial that the factum of the petitioner making any active participation in the incident and causing injuries to the members of other party has to be ascertained and not at this stage. In case of group violence, individuals role are to be seen. The absence of any allegation/material against the petitioner in the DDR showing his participation in the occurrence militates against the denial of bail. Keeping in view the above discussed facts and circumstances, this Court is of the considered opinion that the petitioner cannot be imputed the same level of culpability as compared to the assailants who had actively participated and he has made out a case for release on bail. Accordingly, the petition is

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allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

27.02.2026
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No