



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CRM-M-18317-2026

Date of Decision: 06.04.2026

GURTEJ SINGH ALIAS GURTEJ SINGH BRARPetitioner

VERSUS

STATE OF PUNJAB

....Respondents(s)

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present : Mr. Mehtab Singh, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been *inter alia* filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in case arising out of FIR No.0079 dated 17.05.2024 registered under Sections 302, 34 of IPC (deleted during investigation) and offences under Section 306 and 201 of IPC (later on added in challan), at Police Station Jaito, District Faridkot.

2. Learned counsel for the petitioner submits that initially the FIR was lodged under Sections 302 and 34 of IPC. Subsequently, when the challan was presented, the Section 302 of IPC was removed and Sections 306 and 201 of IPC were invoked. Thereafter, the petitioner was granted concession of regular bail by the learned Trial Court, Faridkot vide order dated 05.08.2024. Thereafter, the prosecution has moved two applications one under Sections 216 and 217 of Cr.P.C for alteration of charges and another under Section 319 Cr.P.C for summoning the mother of the petitioner. Although, the application for summoning the mother of the petitioner was dismissed, however, application for alteration of charge has



been allowed vide order dated 23.02.2026 and the charge was altered for offences punishable under Sections 302 and 201 of IPC on the basis of medical evidence received and the testimony alleging the forced administration of poisonous substance to the deceased by the petitioner. Learned counsel further contends that once the bail is granted, the subsequent alteration of charges cannot be a ground to deny the concession of anticipatory bail especially when the petitioner has not violated any condition of bail granted earlier before the alteration of charges. It is argued that false allegations have been levelled against the petitioner and even the MLR does not record any external or internal injury on the person of deceased. Learned counsel further submits that during the cross examination of PW-2 it has been recorded by the witness that “considering absence of any injury mark on the body of the deceased and use of dye/stenching agents/emetics in the Paraquat by the manufacturer, it is the same which is highly improbable to be used for homicidal purpose” while relying upon the statement, it is submitted that there was no independent witness to the alleged dying declaration.

3 *Per contra*, learned State counsel has opposed the grant of bail to the petitioner and submits that the petitioner has not challenged the order dated 23.02.2026, whereby charges were altered and enhanced. Learned counsel further relies upon specific testimonies of the complainant before whom the deceased had made an oral dying declaration to the effect that the petitioner forcibly took the deceased-Kuldeep Kaur into a room, pushed her onto the bed, slapped her and administered a poisonous spray into her mouth before locking her in room from outside and while raising hue and cry, the



deceased became unconscious. Moreso, it is not a case of the petitioner that he was the one who has brought the deceased to the hospital and that the allegations against the petitioner are serious in nature.

4. It is apposite to mention that although the petitioner had earlier been granted concession of regular bail when the challan was presented under Section 306 IPC. However, subsequently, the charges were altered and enhanced to Section 302 IPC on the basis of cogent medical evidence. Therefore, considering the facts and circumstances of the case, this Court is not inclined to grant the concession of anticipatory bail to the petitioner.

5. Hence, the present petition stands dismissed.

06.04.2026
Deepak Patwal

(ALOK JAIN)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |