



CRM-M-18333-2026 (O&M)

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

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CRM-M-18333-2026 (O&M)

Date of decision : 06.04.2026

Shamsher Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Sant Pal Singh Sidhu, Senior Advocate with
Mr. Tejal Jangra and Mr. Deepdaman Singh Maan, Advocates
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J. (oral)

1. This petition for pre-arrest bail is the first petition, filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.84 dated 18.07.2020, for the commission of offence punishable under Sections 302/34 of Indian Penal Code [Section 302 of IPC deleted and Section 306 of IPC added during investigation], Police Station Sadar Moga, District Moga.

2. The abovementioned FIR came into being at the instance of 'Sukhdeep Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he was a driver of JCB Machine and that his younger brother, namely 'Chamkaur Singh', was an agriculturist. According to complainant, the land of 'Nirmal Singh' and 'Iqbal Singh' was adjacent to their agricultural land, and that about two

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years ago, the opposite party had ploughed the common passage meant for access to their land.

3. It was further stated by the complainant that the electric motor and transformer were in the name of his father, but the opposite party, i.e. 'Nirmal Singh' and 'Iqbal Singh', used to claim their right over the electric tubewell. According to complainant, on 19.06.2020, he had removed their submersible motor from the tubewell and brought it to their house. As per complainant, in view of abovementioned incident, 'Iqbal Singh' had submitted a complaint before the police, but on 20.06.2020, in the police station, the respectable members of the Community sought four days' time to settle their dispute amicably.

4. It was further stated by the complainant that on 21.06.2020 at about 05:30 am, his brother 'Chamkaur Singh' was standing outside the house of 'Nirmal Singh' and 'Iqbal Singh', and there 'Shamsher Singh' and 'Baljot Singh' were also present. As per complainant, 'Iqbal Singh' and 'Shamsher Singh' dragged his brother 'Chamkaur Singh' into their house and administered some poisonous substance to him. The complainant further alleged that after administering the poisonous substance, his brother 'Chamkaur Singh' was thrown, by them, outside the house, and that on account of abovementioned poisonous substance given to his brother, 'Chamkaur Singh' passed away.

5. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up. According to prosecution, during the course of investigation, it was found



that only the accused 'Nirmal Singh' and 'Iqbal Singh' were involved in the commission of offence, and therefore, 'Shamsher Singh' and 'Baljot Singh' were exonerated. The final report under Section 173 of CrPC was filed against two accused only, namely 'Nirmal Singh' and 'Iqbal Singh'.

6. It shall not be out of place to mention here that once the trial commenced against the accused, namely 'Nirmal Singh' and 'Iqbal Singh', an application under Section 319 CrPC was filed by the complainant, and the learned trial Court allowed the abovementioned application and summoned the petitioner as an additional accused.

7. **Notice of motion.**

8. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab accepts notice on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.

9. Heard.

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

- i) that the petitioner was not prosecuted by the Investigating Agency and he has been summoned as additional accused on the basis of an application under Section 319 of CrPC;

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- ii) that the benefit of anticipatory bail was given to the main accused, namely 'Nirmal Singh' and 'Iqbal Singh', by virtue of order dated 14.12.2021 passed in CRM-M-40530-2020;
- iii) that nothing has been left to be recovered from the possession of petitioner;
- iv) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- v) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- vi) that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- vii) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

15. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of pre-arrest bail, and that the present petition deserves to be allowed.

16. In view of the above-mentioned discussion, the present petition is hereby ***allowed***. The petitioner is directed to appear before the learned trial Court on the next date. If the petitioner appears before the learned trial Court, he shall be admitted to bail on furnishing bonds to the satisfaction of learned trial Court. It is however clarified that the abovementioned order is subject to the conditions that the petitioner shall appear before the learned trial Court on each and every date, unless his presence is exempted by the learned trial Court. It is further clarified that in



case of absence of petitioner in the Court on a date fixed, the learned trial Court shall be at liberty to cancel the bail of the petitioner who will be found absent.

17. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

06.04.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No