

2026:PHHC:032840



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.26942 of 2025

Gurpreet Singh ... 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. Hitesh Chopra, Advocate and
Mr. Amit Kumar, Advocate,
for the petitioner.

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

Mr. Kanishk Swaroop, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short

2026:PHHC:032840



“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, 302, 132, 221, 324(4), 191(3), 190, 303(2), 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, Tarsem Singh (**member of group No.2**) recorded his statement to the effect that on 07.07.2024, his nephew Varinder Singh who was going on a

2026:PHHC:032840



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 including the petitioner 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 Shamsheer Singh had also opened fire thereby injuring left hand of his nephew Gurpreet Singh i.e. the present petitioner. 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 16.07.2024. 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. As per the version in the DDR No.20, he was armed with a pistol and had raised lalkara to catch members of the opposite party and then along with the others had fired shots upon them.

However, no specific injury has been attributed to the petitioner in the DDR

2026:PHHC:032840



No.20. The role as alleged to be committed by the petitioner as per the report of SIT is, however, different as he is alleged to have given a firearm injury from his pistol to the deceased Dilsher Singh though this fact is not clear from the CCTV footage. It is submitted that at the most, he was seen present at the spot. However, there is no material on record to show that he had caused any firearm to the victim Dilsher Singh thereby causing his death. It is a case of version and cross version. It is yet to be ascertained as to who was the aggressor. He is in custody since long. The trial will take considerable time to conclude. His antecedents are clean. No useful purpose is going to be served by detaining him in custody any more. It is, thus argued that he deserves to be released on bail.

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 by forming membership of an unlawful assembly with the co-accused actively participated in the same. He was seen with a firearm and had used the same thereby causing firearm injury to victim Dilsher Singh resulting into his homicidal death. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. With these broad submissions, it is urged that the petition does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. As per the allegations in the DDR No.20 recorded on the basis of statement of Angrej Singh, the petitioner was armed with a pistol and had

2026:PHHC:032840



fired with the same towards the members of the group of Angrej Singh. As per the report of SIT prepared on the basis of CCTV footage, the petitioner had fired many shots with the weapon which he was carrying and had caused death of victim Dilsher Singh. Though it is a case of version and cross version and it is to be assessed as to who was the aggressor, however, the allegations not only prima facie reveal the factum of presence of the petitioner at the spot with a weapon but also his active participation in the occurrence. He has been linked to the acts attributed with the aid of Section 190 of BNS which has the following ingredients:-

1. There must be an unlawful assembly;
2. Commission of an offence may be by any member of the unlawful assembly; and
3. Such offence must have been committed in prosecution of the common object of the assembly, or must be such as the members of the assembly knew to be likely to be committed.

9. Two members of the group of Angrej Singh namely, Dilsher Singh and Baljit Singh had sustained firearm injuries in the group violence and had succumbed to the same. The fatal injury on the person of Dilsher Singh has been attributed to the petitioner. The allegations show his participation while having knowledge that such offences were likely to be committed in prosecution of common object. The petitioner along with the co-accused stands accused of heinous crime which is punishable with life imprisonment or capital punishment. While length of incarceration is a

2026:PHHC:032840



factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 IPC. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. It is well settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the material witnesses are also to be weighed. Frivolity of prosecution should always be considered.

10. In light of the foregoing legal principles and other circumstances as discussed above, this Court finds no compelling ground to allow this petition. Accordingly, the petition is dismissed.

11. 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	Yes/No
Whether reportable	Yes/No