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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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**CRM-M-37709-2025 (O&M)
Date of decision : 28.01.2026**

Gurtej Singh**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Aman Pal, Senior Advocate with
Mr. Rajender Kumar, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 183 dated 29.06.2022, registered under Sections 302, 307, 506 and 34 of at Police Station Saha, District Ambala.

2. The aforementioned FIR was registered on the statement recorded by the complainant Tajinder Singh on 29.06.2022 alleging therein that a dispute with regard to partition of agricultural land was going on between his family members and the families of his uncles Pyara Singh, Manjit Singh and Prem Singh. A mutual partition had taken place between them about six months back with the intervention of the relatives. On 28.06.2022, the complainant had cultivated the land which had fallen to his share. In the morning of 29.06.2022, he found that the petitioner, who is son of his uncle Prem Singh, was cultivating the joint land qua which the dispute was still

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going on between them. The complainant along with his uncle Pyara Singh, cousin Dilbag and one Jagmohan Singh reached at the spot to ask the petitioner about reason for cultivating the said land. On seeing them, the petitioner started moving his tractor towards the complainant and his companions. He raised the speed of the vehicle. Accused Gurmel Kaur and Prem Singh, parents of the petitioner, made an exhortation to kill the persons who came in front of the tractor of the petitioner. The petitioner drove his tractor over Dilbag with intent to kill him. He was crushed under the tyres of the tractor. Thereafter, the petitioner hit Pyara Singh, uncle of the complainant, with intent to kill him and the tyres of the tractor crushed him also. He also tried to run over the complainant and Jagmohan but they had a narrow escape. The tractor had then turned turtle. The petitioner, while proclaiming that it was then the number of the complainant to be killed, sat in the car of his maternal uncle and fled from the spot. Injured Pyara Singh and Dilbag were rushed to the hospital. Victim Pyara Singh succumbed to the injuries sustained by him, whereas serious injuries were caused to victim Dilbag.

3. After registration of the FIR, investigation proceedings were initiated. Inquest proceedings and post-mortem examination of the dead body of the victim were conducted. The petitioner was arrested on 01.07.2022. He was interrogated and suffered disclosure statement admitting his involvement in the crime. Other persons named as accused i.e. Prem Singh, Gurmel Kaur and Jagjit Singh were found to be innocent. Investigation now stands completed and challan has been presented against the petitioner.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 01.07.2022. His

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implication is false and due to the long standing land dispute with the members of the complainant party. The falsity of the prosecution version stands proved from the fact that other persons named in the FIR, i.e. his parents and maternal uncle, have been found to be innocent. There was inordinate delay in lodging of the FIR, which has not been explained. In fact, the petitioner was compelled to act in his self defence against the unprovoked and sudden assault by the members of the complainant, who had arrived at the scene being armed with deadly weapons and forcibly boarded the petitioner's moving tractor. They had launched a violent attack upon him. The petitioner was in a life threatening situation and had tried to protect himself. The tractor had overturned due to sudden forceful assault by the members of the complainant party. Victim Pyara Singh, who had climbed over the tractor, had come beneath the tractor and had sustained fatal injuries. The petitioner was not aggressor but was a victim to the brutal attack. He is in custody since long. There are no chances of the trial being completed in near future as only 09 out of total 21 prosecution witnesses have been examined so far. His prolonged incarceration and the delay in conclusion of trial has entitled him to seek benefit of regular bail.

5. Reply has been filed by the respondent-State. It is argued by learned State counsel that there are serious and specific allegations against the petitioner, who by driving over his tractor had killed victim Pyara Singh, whereas had caused serious injuries to victim Dilbag. The trial is at advance stage. The petitioner does not deserve to be released on bail at this stage. Mere prolonged incarceration cannot be considered to be a sufficient ground for enlarging an accused on bail in such like cases. It is, thus, argued that the petition is liable to be dismissed.

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6. This Court has heard the rival submissions.
7. The petitioner is alleged to have driven his tractor over victims Pyara Singh and Dilbag resulting into death of Pyara Singh and causing grievous injuries to Dilbag. The manner of occurrence, as alleged, prima facie reflects brutality and use of a dangerous vehicle as a weapon. The contention raised on behalf of the petitioner that he was not the aggressor and that he acted in self-defence cannot be accepted at this stage. Whether the petitioner was the aggressor or was acting in self-defence is essentially a question of fact, which can only be adjudicated upon appreciation of evidence during the course of trial. No conclusive inference in this regard can be drawn at the stage. Moreover, there is nothing on record to show that the petitioner had sustained any injury in the alleged incident. The absence of any injury on the person of the petitioner, prima facie, does not support the plea that he was a victim of a violent assault or that he was compelled to act in self-defence. Although the petitioner has been in custody since 01.07.2022 and some prosecution witnesses are yet to be examined, however, the well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242 and State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. Keeping in view the gravity of the allegations levelled against the petitioner, the quantum of sentence which the conviction may entail, the stage of trial and the attendant facts and circumstances of the case, this Court does not find it a fit case to exercise

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discretion in favour of the petitioner. Accordingly, the present petition is dismissed.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

28.01.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No