

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:021244



CRM-M-47808-2024 (O&M)

Gurjeet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	09.02.2026
2.	The date when the judgment is pronounced	11.02.2026
3.	The date when the judgment is uploaded on the website	11.02.2026
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. Hemant Bassi, Senior Advocate with
Mr. Jagtar Singh, Advocate and
Ms. Saloni Chhabra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Sandeep Wadhawan, Advocate for the complainant.

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Manisha Batra, J. (Oral).

1. This petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking grant of regular bail in a cross version bearing DDR No.26 dated 12.12.2014

arising out of FIR No.261, dated 12.12.2014, registered under Sections 302, 307, 324, 452, 427, 148, 149 IPC and Sections 25 and 27 of the Arms Act, at Police Station Lopoke, District Amritsar.

2. As per the allegations, FIR No.261 dated 12.12.2014 was registered on the basis of complaint made by complainant – Makhtool Singh, alleging that on 12.12.2014, the persons named as accused therein, had opened an assault upon him, his brother Narender Singh and his companions. The victim Narender Singh and himself had sustained firearm injuries. The dispute was with regard to some land. His brother Narender Singh had died on the spot. After registration of the FIR, investigation proceedings were initiated. On the same day, DDR No.26 was entered on the basis of statement recorded by Jatinder Singh S/o Satwinder Singh to the effect that on the same day, he along with his cousin brother Nawab Singh and assistant Daler Singh was present in his agricultural land and had been ploughing the same, when the petitioner accompanied by co-accused, reached there. He was armed with a 315 bore rifle, whereas the other accused were also having firearms with them. They opened an attack and assaulted the complainant and his brother. Petitioner fired a shot with his 315 bore rifle, which hit the head of Nawab Singh, resulting into his instantaneous death. The shot fired by Gurjit Singh with his rifle had hit Jagtar Singh, who too died at the spot. He too had sustained injuries. The assailants had thereafter fled away.

3. After registration of the FIR and DDR, investigation proceedings were initiated. The petitioner was arrested on 19.03.2015. He, however, escaped from the police custody by breaking open the locks of the

lockup at Police Station Lopoke on 20.03.2015. Proceedings under Section 82 of the Cr.P.C. were initiated against him. A case under Sections 223, 224 and 225 IPC was also registered separately. He was declared a proclaimed offender and was subsequently arrested on 30.07.2023. Presently, he is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It was a case of version and cross-version to protect their possession and property and in exercise of right of private defence, cross firing had taken place, which resulted in death of Jagtar Singh and Nawab Singh. The DDR was recorded after making due deliberations and assertions by twisting actual facts. The victim Narender Singh was shot dead by the members of the opposite party and it has been projected that he had been shot at by the group of the present petitioner. Makhtool Singh had sustained serious injuries in the same incident. The petitioner was not even present at the spot of occurrence since he was admitted in Dashmesh Nursing Home, Amritsar as an indoor patient from 09.12.2014 to 13.12.2014. Even his licensed 315 rifle was lying deposited at Ajit Gun House since 01.12.2014, which proved that he was neither present at the spot of occurrence nor any firearm injury had been caused by his weapon. In an inquiry conducted by the police, members of his family were found to be innocent and plea of his *alibi* was also found to be correct but subsequently, he was falsely involved. He was declared a proclaimed offender on the basis of false reports and had never avoided his apprehension. He is in custody since long. The trial would take considerable time to conclude. No useful purpose would be served by detaining him in

custody. It is, therefore, argued that he deserves to be released on bail.

5. Per contra, learned State counsel has argued that there are serious and specific allegations against the petitioner, who formed a membership of an unlawful assembly with the co-accused and in pursuance of common object thereof, had fired shots upon the victims, thereby, causing their death. He had escaped from the police custody and absconded for long. There are chances of his absconding again if extended benefit of bail. It is, therefore, argued that he does not deserve to be released on bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner by forming membership of an unlawful assembly, is alleged to have fired shots with a firearm upon the victims and members of the complainant party, thereby causing death of two persons and injuries to the complainant – Jatinder Singh, who has since been examined in chief and has supported the prosecution case. There are serious allegations against the petitioner. He has also been linked with the offence with the aid of Section 149 IPC. It is well settled proposition of law that even mere presence in the unlawful assembly but with an active mind to achieve the common object, makes a person vicariously liable for the acts of unlawful assembly. The contentions that he was not present at the place of occurrence and was admitted in hospital at the relevant time and that his firearm was also deposited with the gun house, are to be proved during the course of the trial and not at this stage. The petitioner, alleged to be present at the spot of crime at the relevant time with a firearm, is presumed to be knowing beforehand that the offence of murder actually committed, was likely to be

committed in prosecution of common object of the members of the unlawful assembly, of which he was a part. He stands accused of a heinous crime punishable with a capital punishment or life imprisonment. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 IPC. 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)*.

8. Taking into consideration the nature of accusations, severity of punishment, if the accusations entail a conviction and the attendant facts and circumstances, coupled with the fact that frivolity of prosecution should always be considered and it is only the element of genuineness that has to be considered in the matter of grant of bail, this Court finds no compelling ground to allow this petition. Accordingly, the petition is dismissed.

9. It is clarified that any observation made in this order is only for deciding this petition and shall not influence the outcome of the trial and also not be taken as an expression of opinion on merits.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

11.02.2026

harjeet

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No