

CRM-M-51290-2025 (O & M)

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(108)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51290-2025 (O & M)

Date of Decision: 25.02.2026

Sukhdev Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ranbir Singh Sekhon, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

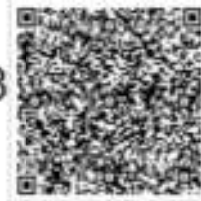
Mr. Tejinderbir Singh, Advocate
for the complainant-Pargat Singh.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS is for the grant of regular bail in case bearing FIR No.146 dated 09.09.2022 under Sections 302, 307, 336, 447, 120-B, 148, 149 IPC and Sections 25/27/29 of the Arms Act, 1959 registered at Police Station Mallanwala, District Ferozepur.

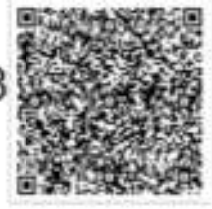
2. The present FIR came to be registered at the instance of Pargat Singh and reads as under:-

Statement of Pargat Singh son of Sulakhan Singh son of Jagir Singh, resident of village Fatehgarh Sabhra, police station Mallanwala, district Firozpur, age about 52 years, MB 94783-32365 stated that I am resident of above said address and is an

**CRM-M-51290-2025 (O & M)**

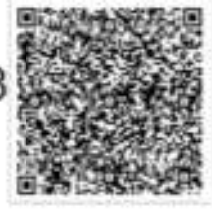
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agriculturist. We are three brothers. His elder brother is Balwinder Singh, then Jaswant Singh, and I am the youngest one. We live together and work in agriculture together. My elder son is Balraj Singh, age about 23 years, and my younger daughter is Baljinder Kaur and both of them are unmarried. There is a dispute with our relatives Kabul Singh regarding the division of 15 acres of land located in village Fatehgarh Sabhra. The case is currently ongoing before the SDM Zira. This case is being handled by Harpreet Singh son of Nishant Singh, Jaswant Singh son of Joginder Singh, Hardeep Singh son of Joginder Singh all residents of Fatehgarh Sabhra and Arshdeep Singh son of Gurvinder Singh resident of Basti Garib Singh Wala. Today, at about 12:00-12:30 PM, I was working with my brother Jaswant Singh in the fields then we heard the sound of gunshots. Then we saw that in our 04 kanal 08 maria land, where we had sown chari, and said land has been recorded in the revenue records in the names of our three brothers for the past 10 years and under our possession, Gurdev Singh Fauji son of Santokh Singh resident of Fatehgarh Sabhra, currently residing in Tarn Taran along with his brother Harbhajan Singh, Sukhdev Singh and several other persons arrived on tractors and other vehicles and started ploughing the chari crop and Gurdev Singh, Harbhajan Singh and Sukhdev Singh were armed with guns and were firing Due to fear, by hiding ourselves we were going to our home, then Kabul Singh son of Hari Singh resident of Fatehgarh Sabhra, and his sons Jaswant Singh and Nishant Singh son of Kundan Singh resident of Fatehgarh Sabhra saw us and they started raising Lalkaras, that teach them a lesson about land encroachment. As just reached near our home, hearing the noise my son Balraj Singh, my brother Balwinder Singh, and my nephew Gurjit Singh came forward to protect us.

**CRM-M-51290-2025 (O & M)**

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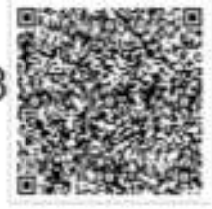
From the other side of the street, Gurdev Singh fauji armed with 315 rifle, Harbhajan Singh armed with 315 rifle, and Sukhdev Singh armed with 12-bore guns, Malook Singh son of Harbans Singh armed with Spear, Gursevak Singh son of Malook Singh armed with sword, Gurvatar Singh son of Malook Singh, Saradul Singh son of Harbans Singh, Ranjit Singh son of Saradul Singh, Palvinder Singh son of Bakshish Singh residents of Fatehgarh Sabhra armed with sticks along with 25-30 unidentified persons came and then Malook Singh raised Lalkara by saying that today kill all of them and end this daily harassment. Upon this, Gurdev Singh Fauji, with the intention to kill fired a shot with his 315-bore gun directly at my son Balraj Singh, which hit on the below right shoulder on the back side. Then Harbhajan Singh fired with 315-bore gun directly at my brother Balwinder Singh, which hit on the left waist of my brother. Then Gurdev Singh Fauji fired another shot with his gun at my nephew Gurjit Singh son of Balvinder Singh, which hit on his left thigh. Then Sukhdev Singh fired a shot with his 12-bore gun towards my nephew Gurjit Singh, and the pellets of the fire hit on his left and right feet. Then Sukhdev Singh fired a shot with his gun towards my brother Jaswant Singh, and pellets of the fire hit my brother Jaswant Singh's chest, face, and forehead. Then Sukhdev Singh fired a shot with his gun towards me, which hit inside the joint of my right leg. Then Sukhdev Singh fired another shot towards me, which hit on my left foot, and the pellet hit my right foot. I raised the alarm Maar Ditta Maar Ditta, and all these accused persons fled from the spot along with their respective weapons, boarding their tractors 855 and 735, Bolero vehicles, Scorpio vehicles, and other vehicles. My family members and other relatives brought me and my brothers, nephew, and son to the Civil Hospital, Ferozepur, where the

**CRM-M-51290-2025 (O & M)**

::4::

doctors declared my son Balraj Singh and brother Balvinder Singh dead. My brother Jaswant Singh and nephew Gurjit Singh were seriously injured and referred to GGSMC, Faridkot by the doctors. I am under treatment here. The reason for the grudge is that there is land dispute case pending between us and Malook Singh and Gurdev Singh regarding the division of land. The disputed land is 04 kanals and 08 marlas situated in village Fatehgarh Sahib, which is registered in the names of our three brothers and where we have sown crops. With the intention of taking possession of this land, all these accused persons, Harpreet Singh son of Nishan Singh, Jaswant Singh son of Joginder Singh son of Nihal Singh, Hardeep Singh son of Joginder Singh son of Saon Singh resident of Fatehgarh Sabhra, Arshdeep Singh son of Gurwinder Singh r/o Basti Gareeb Singh Wali came at the instigation of above said persons and fired indiscriminately at us with their guns, resulting which my son Balraj Singh and my brother Balvinder Singh died and me, my nephew Gurjit Singh, and my brother Jaswant Singh have been seriously injured. Legal action should be taken against them. Statement written, heard, read and is correct, Sd/- Pargat Singh present Sd/- Amarjit Singh, son of Jaswant Singh resident of Fatehgarh Sabhra, Police Station Mallawanwala, District Ferozepur, 94656-29757 Verified Sd/-Jaswinder Singh INSP, Police Station Mallawanwala, dated 08.09.2022.

3. The learned counsel for the petitioner contends that in fact, it is a case of version and cross-version. As per CCTV footage available and part of the record, it was the complainant party which had attacked the petitioner side. The petitioner and his co-accused merely acted in self-defence. Be that

**CRM-M-51290-2025 (O & M)**

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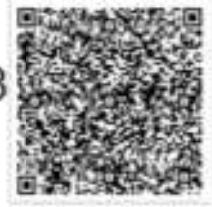
as it may, the fatal injuries have been attributed to the co-accused of the petitioner and the allegations against the petitioner are of firing at Gurjit Singh, Jaswant Singh and the complainant-Pargat Singh. Since the petitioner is in custody since 10.09.2022 but none of the 32 prosecution witnesses has been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned counsel for the State and the counsel for the complainant, on the other hand, while referring to the status report dated 11.10.2025 contend that it is a case of double murder wherein two persons from the complainant party, namely, Balraj Singh and Balwinder Singh have been murdered. The petitioner is alleged to have fired with a 12 bore gun at the injured persons, namely, Gurjit Singh, Jaswant Singh and Pargat Singh (complainant). He was a part of the unlawful assembly. Looking at the nature of the allegations levelled, he does not deserve the concession of bail. It is, however, not disputed that it is a case of version and cross-version, that the petitioner is in custody since 10.09.2022 and that none of the 32 prosecution witnesses has been examined so far.

5. I have heard the learned counsel for the parties.

6. The relevant extract of the status report dated 11.10.2025 filed by way of affidavit of Gurdeep Singh, PPS, Deputy Superintendent of Police (Sub Division) Zira, District Ferozepur is reproduced hereinbelow:-

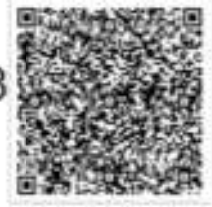
That vide letter no.2391-5/RSSP dated 1.9.2022, to conduct fair investigation, Senior Superintendent of Police, Ferozepur

**CRM-M-51290-2025 (O & M)**

::6::

constituted a SIT and Yadwinder Singh, PPS, DSP(SD) Zira conducted investigation in the case and as per the investigation conducted by DSP(SD) Guruharsahai, Nishan Singh son of Kundan Singh, Malook Singh son of Harbans Singh, Gursewak Singh son of Malook Singh, Guravtar Singh son of Malook Singh, Sardool Singh son of Harbans Singh, Ranjit Singh son of Sardool Singh, Palwinder Singh son of Bakhshish Singh, Harpreet Singh son of Nishan Singh, Jaswant Singh son of Joginder Singh, Hardeep Singh son of Joginder Singh and Arshdeep Singh son of Gurwinder Singh were declared as Innocent. As per the CCTV footage contained in the pen drive taken into possession by the police during investigation, Ranjit Singh alias Rana son of Jaswant Singh, Balwinder Singh son of Sulakhan Singh, Jaswant Singh son of Sulakhan Singh, Balraj Singh son of Pargat Singh, Gurjit Singh son of Balwinder Singh, Pargat Singh son of Sulakhan Singh, Gurdev Singh son of Amarjit Singh, Gurbhej Singh son of Amarjit Singh, Chanan Singh son of Bikkar Singh, Amarjit Singh son of Bikkar Singh residents of Fatehgarh Sabhran, Raghbir Singh son of Hira Singh ro Killi Gudda, Harbhajan Singh son of Darshan Singh r/o village Booh Havelian, District Tarn Taran, Gurjant Singh son of Rajbir Singh r/o village Achike Ke, Darbara Singh son of Ajit Singh ro Gamma Murada, Mehtab Singh son of Balkar Singh r/o Gama Murada were seen armed with weapons and attacking Gurdev Singh Fauji party. Thus vide DDR no. 022 dated 6.3.2023, Nishan Singh and others were declared innocent and cross rapat u/s 336,148,149,120-B IPC and 25/27 Arms Act was registered against Ranjit Singh alias Rana and others.

7. A perusal of the above extract would reveal that as per the CCTV footage it was the complainant party that attacked the petitioner side

**CRM-M-51290-2025 (O & M)**

::7::

and a cross DDR has also been registered. Be that as it may, it would certainly be a moot point during the course of the Trial as to which side was the aggressor side and whether or not the petitioner and his co-accused exceeded their right to private defence.

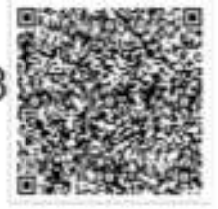
8. Admittedly, the petitioner is in custody since 10.09.2022 but none of the 32 prosecution witnesses has been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Further, the petitioner is a first-time offender. In this situation, the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sukhdev Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the present one.

11. If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

12. In addition, the petitioner (or anybody on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the



CRM-M-51290-2025 (O & M)

::8::

Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

13. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 25, 2026
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable :- Yes/No