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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.57748 of 2025

Surjeet Singh @ Surjit Singh ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	16.03.2026
2.	The date when the judgment is pronounced	18.03.2026
3.	The date when the judgment is uploaded on the website	18.03.2026
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: Ms. Gurdeep Kaur, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

None 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

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“BNSS”) seeking regular bail in cross version 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, 506, 148, 149 and 201 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Lopoke, District Amritsar Rural.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Muktul Singh alleging therein that a land dispute was going on between Bawa Singh, his relative and Sarabjit Singh. On 12.12.2014, he along with Sahib Singh, Narinder Singh, Jaspal Singh and Baljit Singh had gone to meet Sarabjit Singh to advise him. However, in the meanwhile, Sarabjit Singh accompanied by the co-accused started cultivating the land of Bawa Singh with a tractor. All of them were armed with weapons at that time. The complainant and his companions tried to stop them but by making exhortations, Sarabjit Singh and his accomplices fired gun shots towards them. One of the shot hit his brother Narinder Singh resulting into his instantaneous death whereas the gun shots fired by Prakash Singh and Sahib Singh injured his right knee and left arm. Accused Gurbaksh Singh and Nishant Singh opened an attack upon Baljit Singh by giving blows with datar. Ten persons who were unknown to the complainant were also accompanying them and they also inflicted injuries on the person of the complainant and other members of his party. After registration of FIR, investigation proceedings were initiated. Postmortem of examination of dead body of the victim Narinder Singh was ordered to be conducted.

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3. As per the further allegations, during the course of investigation, an information was received regarding sustaining of injuries by one Jatinder Singh and death of two persons namely, Nawab Singh and Jagtar Singh due to injuries sustained in altercation which had taken place in Village Lodhi Gujjar, Lopoke. The investigation officer rushed to the spot and recorded statement of Jatinder Singh, a member of the group of persons nominated as accused in FIR No.261 who stated that his cousin brother Nawab Singh and assistant Daler Singh had been cultivating land with tractor when the present petitioner accompanied by several persons including 10-15 unidentified persons, reached there and made an exhortation to teach a lesson to them. He alleged that Sahib Singh had raised a lalkara and then fired shot with a 12 bore gun hitting the left arm of Jatinder Singh i.e. the complainant of DDR. His accomplices along with petitioner fired shots with firearms and the shot fired by the petitioner at the abdomen of Jagtar Singh led to his death. Indiscriminate firing was done by them thereby causing injuries to Dilbag Singh also. On his statement, DDR No.26 by way of a cross-case was registered. The petitioner was nominated as accused. In the DDR, he was arrested on 30.07.2023 along with co-accused Gurjit Singh. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of version and cross version. Infact, on the statement of member of his group, FIR had already been registered. The side of the petitioner had tried to protect their possession and

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firearms were used in the cross firing only in exercise of right of private defence since the members of his group had sustained injury and one of them had died also. The cross fire appears to have resulted in death of Jagtar Singh and Nawab Singh. The petitioner side was not the aggressor party. No attempt to arrest him was ever made by the investigating agency. He was declared a proclaimed person on 20.02.2016 without following any proper procedure under law. He himself had surrendered on 30.07.2023. No recovery has been effected from him. The co-accused had been granted benefit of regular bail. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody any more. It is, therefore, argued that the petition deserves to be allowed.

5. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that there are serious allegations against the petitioner who was nominated as an accused in the cross DDR registered on the complaint of Jatinder Singh. He had fired shots with a gun hitting the abdomen of Jagtar Singh, a member of the opposite group leading to his death. He was named in the DDR registered on the day of occurrence itself without any delay and his complicity in the subject crime also stands established from the allegations levelled therein. It is argued that 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, thus, stressed that taking into consideration the gravity of the allegations and the fact that there are chances of his absconding again, the petitioner does not deserve to be

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extended benefit of bail.

6. This Court has considered the rival submissions.

7. Undisputedly, it is a case of version and cross version since as per the complaint lodged by the members of the group of petitioner, the aforementioned FIR was registered whereas on the basis of statement of Jatinder Singh, cross case was registered against the petitioner and other accused. The allegations against the petitioner are that he had fired a shot with a 315 bore gun that had hit at the abdomen of Jagtar Singh who had died at the spot. The petitioner was declared a proclaimed offender. The plea taken by him that the injury had been caused by him is in self defence is to be considered on thorough assessment of the evidence to be produced during the course of trial and not at this stage. The petitioner had absconded for a period of about 09 years. The allegations against him are specific in nature and prima facie establish his complicity in the commission of subject offences. No doubt, the petitioner is in custody for a period of over 02 years and 07 months. 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)***. Taking into consideration, the nature of the allegations levelled against the petitioner, the part played by

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him, the quantum of sentence that the conviction may entail and the attendant facts and circumstances, this Court is of the considered opinion that merely on account of the period of his custody, the petitioner does not deserve to be given benefit of regular bail. Accordingly, the petition is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.03.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No