



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

117

CRM-M-54871-2025

Date of decision: 25.02.2026

TIRATH SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present: Mr. Sahil Puri, Advocate  
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab with  
Mr. Rohit Bansal, Sr. DAG, Punjab.

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**SURYA PARTAP SINGH, J.**

1. This petition for bail, which is first petition, has been filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.06 dated 02.02.2025. The above-mentioned FIR has been filed for the commission of offence punishable under Sections 109, 311, 3(5) [Sections 103(1) & 310(3) added later on] of Bharatiya Nyaya Sanhita and Section 25 [Section 27 added later on] of Arms Act in Police Station Fattudhinga, District Kapurthala.



2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Surinder Kumar', hereinafter being referred to as complainant only. The above-named complainant was an employee of HP Hamara Petrol Pump. It was stated by the above-named complainant that on 01.02.2025 at about 09:15 PM, three persons came on one motorcycle to their petrol pump and after taking petrol, firstly they robbed the complainant of 3-4 thousand rupees, and thereafter, in a threatening call asked him to call the Manager. As per complainant when Manager came, they asked the Manager Kulwant Singh to handover money but when he refused the above-said assailants fired a gunshot which hit the right leg of Kulwant Singh. According to complainant on account of above-mentioned injuries subsequently Kulwant Singh passed away.

3. It is the case of the prosecution that on the death of Kulwant Singh Section 103(1), 310(3) IPC and Section 27 of Arms Act were added and that later on a shopkeeper of the village namely Mohinder Singh and Sarpanch Lakhbir Singh met the police party and informed that on 01.02.2025 at about 08:00 PM, they had seen 6-7 persons, with muffled faces, roaming in the area on three motorcycles. According to above-named persons, later on they came to know that an incident of robbery and murder had taken place at the petrol pump. The above-named two persons had also informed the police that an extra-judicial confession was made by two accused namely Satbir Singh and Rohit, wherein they had confessed that they along with their co-accused Arjan Singh @ Gopi, Tejbir Singh @ Tirath Singh, Jarnail Singh @ Jaila, Sukhwinder Singh @ Kaka and Tirath were involved in the above-mentioned incident of robbery.



4. It is the case of the prosecution that in view of above-mentioned statement, formal FIR of this case was lodged, and the investigation taken up.

5. Reply has been filed by learned State counsel. The same be taken on record.

6. Heard.

7. It has been contended by learned counsel for the petitioner that ;-

- a) the name of the petitioner does not figure in the FIR;
- b) no specific role has been attributed to the petitioner in the commission of crime;
- c) there is no allegation that the petitioner had used any weapon of offence;
- d) no weapon of offence has been recovered from the possession of petitioner;
- e) the story set-out by the prosecution is unnatural and unreliable, qua the fact that the assailants, who were muffled faced could have been identified, merely, on the basis of CCTV footage;
- f) except the so called extra-judicial confession there is no evidence against the petitioner.

8. The learned State counsel has controverted the above-mentioned arguments. It has been contended by learned State counsel that in the present case this plea has got no force that the name of the petitioner does not find figure in the FIR. According to learned State counsel the entire incident has been captured in the CCTV camera, installed at the place of occurrence, and that the presence of petitioner in the CCTV footage is clearly visible. It has



also been contended by learned State counsel that the petitioner alongwith his co-accused Jarnail Singh @ Jaila and Arjan Singh @ Gopi were present on the spot when the robbery had taken place and gunshot injuries were inflicted on the person of deceased Kulwant Singh. As per learned State counsel the instant case is one of the most gruesome and heinous kind of offence, wherein for the purpose of robbery of merely Rs.3,000/-, one person has been killed. While claiming that direct nexus between the commission of crime and the petitioner stands proved, the learned State counsel has sought for dismissal of present petition.

9. The record has been perused carefully.

10. A perusal of record shows that the copy of CCTV footage coupled with the coloured photographs developed from the above-mentioned CCTV footage have been placed on record by the prosecution and a perusal of above-mentioned photographs makes it abundantly clear that the incident has been captured in CCTV camera and to a very large extent with the help of above-said footage, the presence of petitioner on the spot at the time of commission of crime along with main accused Jarnail Singh who fired gunshot, can be seen.

11. In addition to above, it is also pertinent to mention here that the offence allegedly committed by the petitioner is of serious nature as in the present case not only a robbery has taken place, but also the murder of a human being.

12. In view of above, following are the relevant factors which are required to be taken into consideration for a decision: -

i) that this plea of the petitioner is not sustainable that he has



no link whatsoever with the commission of crime;

- ii) that another plea of petitioner, too, is not sustainable that instant case is a case of no evidence;
  - iii) that the gruesome and heinous nature of offence committed by the petitioner, renders the petitioner dis-entitled for a lenient view;
  - iv) that the period of incarceration of the petitioner is not large enough to draw an inference that there is delay in trial.
- Thus right of that this inference can be drawn that right of speedy trial, or right of life and personal liberty, guaranteed by the Constitution of India to the petitioner, is being infringed.

13. Taking into consideration the cumulative effect of all the above-mentioned factors, it is hereby observed that the petitioner is not entitled for the benefit of bail and the present petition is devoid of merits. Hence, the present petition is hereby **dismissed** accordingly.

(SURYA PARTAP SINGH)  
JUDGE

25.02.2026

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |