

2026.PHHC.041525



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-65540-2025

Mandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	16.03.2026
2	The date when the judgment is pronounced	17.03.2026
3	The date when the judgment is uploaded on the website	17.03.2026
4	Whether only operative part of the judgment is pronounced or 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. Vipin Mahajan, Senior Advocate with
Mr. Utkrant Mahajan, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

Mr. Gursharan Singh, Advocate for the complainant.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 117 dated 13.12.2024 registered under Sections 103(1), 109, 191(3), 190 and 238 of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) at Police Station Sadar

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Gurdaspur, District Gurdaspur, Punjab.

2. The aforementioned FIR was initially registered under Sections 109, 191(3) and 190 of BNS, 2023, on the basis of statement recorded by the complainant Sandeep Kaur alleging therein that the petitioner Mandeep Singh and Jagpreet Singh had taken a plot on lease. The accused Surinder Singh was having share of 05 *marlas* in the same property. With the intervention of Panchayat, their properties were separately marked. On 13.12.2024, Surinder @ Kaku had started raising construction of a boundary wall around the land having fallen to his share. When the petitioner accompanied by the co-accused Jagpreet Singh, Ranjit Singh, Daljeet Kaur, Simranjit Kaur and Sandeep Kaur reached there while being armed with brickbats, *kirpan* and *datar*. Ranjit Singh raised a *lalkara* for teaching a lesson to Surinder Singh for taking possession on their land. Surjit Singh rushed for rescue of Surinder Singh and then the petitioner accompanied by Jagpreet Singh struck blows on the head of her husband with *datar*. Blood started oozing out of his head and he had fallen down. She rushed for rescue of her husband but was assaulted by the co-accused. The assailants fled away, when several persons had gathered at the spot. The injured was rushed to the hospital.

3. After registration of FIR, investigation proceedings were initiated. The victim Surjit Singh succumbed to the injuries sustained by him on 20.12.2024. Offence under Section 103(1) of BNS was added.

4. On 15.12.2024, on the basis of Statement recorded by Davinder Kaur, wife of Harjit Singh and mother of the petitioner, a GD No. 5 was

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entered and a cross case under Section 109, 190 and 191(3) of BNS read with Section 25 of Arms Act was registered against the members of the complainant party on the allegations that at the time of the occurrence, Surinder Singh had tried to take possession of their land along with the co-accused and some unknown persons and had opened an attack upon her family members and herself. Her son Mandeep Singh had reached at the spot and shots were fired upon him with Gurjit Singh, nephew of Surjit Singh thereby hitting him.

5. As per the further allegations, the petitioner who had sustained firearm injuries remained under treatment and had been arrested on 11.03.2025. Offence under Section 238 of BNS was added subsequently, as the petitioner had allegedly destroyed the weapons used by him at the time of commission of subject crime. Investigation now stands completed.

6. 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 and a cross case has been registered on the basis of statement recorded by his mother. In fact, the members of the complainant party were the aggressors and Gurjit Singh, who has been killed in connection with some other case and was nephew of deceased Surjit Singh, had fired shots upon him thereby causing him serious injuries. They had criminally trespassed into the property in their possession and were aggressors. The petitioner had acted in self defense and could not be stated to be aggressor at all. In a video recording, the accused Surjit Singh is shown while assaulting the members of the family of the

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petitioner thereby clearly showing that they were the aggressors. He is in custody since long. No useful purpose would be served by detaining him in custody anymore as trial will take considerable time to conclude. Therefore, it is argued that the petition deserves to be allowed.

7. *Per contra*, learned State counsel assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner who was armed with a *datar* at the time of occurrence and along with the co-accused had assaulted the victim Surjit Singh thereby causing two injuries on the head of the victim with *datar*. These injuries have been proved fatal resulting into homicidal death of the victim. His complicity in the crime stands fully established. Therefore, it is stressed that the petition does not deserve to be allowed.

8. This Court has heard learned counsel for the parties at considerable length.

9. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have opened an attack upon the victim Surjit Singh with a *datar* thereby causing him head injury that resulted into his death. Undoubtedly, the petitioner is also shown to have been sustained firearm injury in the same occurrence and as per the record, he was admitted in hospital for a considerable point of time due to the impact of those injuries. However, it is only on thorough assessment of the evidence to be adduced during trial that any final conclusion as to the fact that who was the aggressor, can be drawn and not at this stage. Trial has commenced and there is nothing

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on record to show that there would be any undue delay in conclusion of the same. Though a recording has been shown by learned counsel for the petitioner through his mobile phone in which the victim-Surjit Singh is shown to be assaulting some females with a sharp edge weapon, but from the same also no definite conclusion can be drawn at this stage that he was the aggressor. Taking into consideration the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

11. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th March, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |