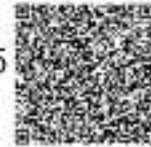


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2026.PHHC.030165



CRM-M-69570-2025 (O&M).
Date of decision: 25.02.2026.

JASWINDER SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Imaan Singh Khara, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Mr. Sukhdev Singh, Advocate, and
Mr. Ashish Jhamb, Advocate,
for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of pre-arrest bail to the petitioner
in case bearing FIR No.77 dated 10.09.2023, under Section(s) 302, 307, 323,
120-B, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station
Balianwali, District Bathinda.

2 FIR in the present case was registered on the statement of Jarman Singh son of Amrik Singh which reads thus: -

“Stated that I am a resident of the above said address and do agricultural work. Several years ago my uncle (Masad- mother's sister's husband) Gurmeet Singh son of Kashmir Singh, resident of Bhagsar, district Fazilka purchased four Kilas of land in Village Mandi Khurd, District Bathinda, where I used to go to explore the land with my Masad Gurmeet Singh many times. Where many days ago, I and my Masad Gurmeet Singh and my aunt (Masi Mother's sister) Paramjit Kaur also went to see the fields at Mandi Khurd, where Jaswinder Singh son of Mukand Singh of Mandi Khurd and his son Jagmohan Singh, brother-in-law (wife's brother) of Jaswinder Singh resident of Rampura also came to the fields, they started saying to us that "we have two Kilas of land, leave our land, otherwise you will have to face dire consequences. If you enter in this land again in future, then we will not spare you, henceforth think carefully before entering this land. Just by saying this, they went away from the field by giving threats. Today I, my Masad Gurmeet Singh, my Masi/Paramjeet Kaur and my Masi Kuljeet Kaur w/o Makhtoor Singh, resident of Shamsa Bhatti, Sirsa and Princepal Singh s/o Malik Dutta, resident of Dhani 400, Sirsa had come to see the land of village Mandi Khurd, where by arranging the labour, were getting uprooted the trees/ plants of eucalyptus planted in the fields. Then at about 12:40 in the day, from the side of Village Kuttiwal a vehicle Bolero of white colour and three motorcycles, on which two persons were riding each, who had handles of taps, Gandasis, rods and kirpan with them and six-seven persons alighted from the Bolero vehicle, all the persons started giving beatings to Masi Paramjit Kaur and Kuljit Kaur with their respective arms, then I and my Masad Gurmeet Singh and Princepal, who were standing in the nearby field, rushed to

rescue them, from these persons Jaswinder Singh S/o Mukand Singh, who had rod, his son Jagmohan Singh, who had kirpan with him, residents of Mandi Khurd and brother-in-law (Sala wife's brother) of Jaswinder Singh resident of Rampura, who had the handle of tap with him, in the presence of us while we were rescuing, Jaswinder Singh, gave a forceful blow of the rod held in his hands to my Masi Paramjit Kaur and the other persons also inflicted several injuries with their respective arms and while we were rescuing, Jagmohan Singh gave a direct blow of the Kirpan held in his hands, above the left eye of my Masad Gurmeet Singh, and Jaswinder Singh with his rod, continuously stroke several blows on the legs below the knees, due to which my Masad fell down on the earth. Jaswinder Singh and his son Jagmohan Singh and other their accomplices injured him with their respective arms with the intention to kill him and have also inflicted injuries on my Masi Paramjit Kaur on her head, body and other parts with their arms with the intention to kill her. On hearing the hue and cry of the conflict, Nirmal Singh S/o Gurcharan Singh, Balwant Singh S/o Mukhtiar Singh and Balkar Singh S/o Harbans Singh reached on the spot, who and we made hue and cry "Don't beat, don't beat", and while departing from the spot they also inflicted injuries with their respective weapons to Balkar Singh resident of Mandi Khurd. This fight has taken place with the connivance and conspiracy of Buta Singh, Ex. Panch, resident of Mandi Khurd. Buta Singh has full support in this strife. After the strife all of these persons, by riding on Motorcycles and Bolero vehicle, whose Number PB 03 BE 0651 was read, ran away towards village Kuttiwal along with their respective arms. That I and Princepal, Nirmal Singh and Balwant Singh by taking Gurmeet Singh, Paramjit Kaur, Kuljit Kaur and Balkar Singh in a vehicle got them admitted in the Government Hospital Bathinda, where during the treatment, my Masad Gurmeet Singh died due to suffering grave injuries. My Masi Paramjit Kaur and Kuljit Kaur were referred to higher

hospital for treatment. That the above said in connivance with each other and by inflicting serious injuries with their weapons/arms, have injured seriously with the intention to kill. Due to which Gurmeet Singh has died during treatment. With the intention to kill my Masi Paramjit Kaur, have inflicted serious injuries. They have also inflicted several injuries on the bodies of Kuljit Kaur and Balkar Singh. The cause of grudge is that my Masad Gurmeet Singh had purchased land in Village Mandi Khurd, on which Jaswinder Singh and his son Jagmohan Singh were wanting to take possession on this land forcibly. My Masad Gurmeet Singh and we rest of the family were opposing this affair. Due to this grudge, they all the persons, by conniving with each other, by inflicting grave injuries, have killed Gurmeet Singh. Action should be taken against them”

3 Learned counsel appearing for the petitioner(s) primarily contends that the petitioner is not in possession of the disputed land and that the complainant were the aggressor party who attempted to take forcible possession of the land. He contends that the petitioner has been attributed simple injuries by an iron rod on the leg and that the fatal blow is not attributed to the petitioner. He further contends that the petitioner exercised the right of private defence over the property in question and that in order to defend the same in case any injury is sustained by the aggressor party, liability cannot be fastened against the petitioner herein. A prayer is thus made that the petitioner be granted pre-arrest bail.

4 State counsel, on the other hand, submits that a specific injury has been attributed to the petitioner with an iron rod on the legs of the deceased. It is submitted that the petitioner absconded from the process of law and was declared a proclaimed offender vide order dated 04.03.2023. He was

thus absconding from the process of law for a period of nearly 02 years. It is contended that as per record, the petitioner was armed with an iron rod and inflicted many injuries not only to the deceased but also to Ranbir Kaur and other persons. It is contended that as many as 04 persons sustained nearly 22 injuries on the side of the complainant whereas no injury has been sustained by any person on the side of the petitioner. Hence, the argument raised by the petitioner alleging respondent-complainant as an aggressor party does not prima facie evoke confidence.

5 This Court put a specific query to the counsel for the petitioner to refer to revenue documents showing petitioner in exclusive possession over the suit land, however, he is not in a position to advert to the specific document and instead refers to the jamabandi. A jamabandi, prima facie, at best is a document with respect to the title and not with respect to the possession for which the revenue document prepares the khasra girdawari. Despite the matter having been adjourned on 03 different occasions, the petitioner has failed to append the primary document reflecting his exclusive possession. Moreover, the right of private defence would vest in a person to the extent of causing grievous injury/death only when the specific conditions provided under Section 103 of the Indian Penal Code, 1860 (Section 41 of the Bharatiya Nyaya Sanhita, 2023) are present. None of the circumstances are either pleaded or established by the petitioner in the present case. Even otherwise, counsel for the petitioner has not been able to show exclusive possession over the land, which would be an arguable issue to be decided during the course of trial as to whether the petitioner had exercised the right of private defence in a

legitimate manner or had exceeded the same and also as to whether he had any right to claim a right of private defence.

6 Besides, it is not disputed that the petitioner, at an earlier juncture, remained an absconder for a period of nearly two years and joined the proceedings at a much later date. It is also made out from the allegations that the petitioner has been specifically attributed injuries to the deceased in an eye-witness account. The nature of injuries would not be gone into at this stage. No prima facie case of a free fight is made out at this stage, hence, the benefit of segregation of the specific role and injury would not be available to the petitioner at this stage. The allegations being grievous resulting in death of a person, the present petition is dismissed at this stage.

February 25, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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