

2025:PHHC:115512



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

223

(1) CRM-M-65406-2024

HIRA SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

224

(2) CRM-M-38882-2025

JASWANT SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

Date of decision: August 28, 2025

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ranbir Singh Sekhon, Advocate
for the petitioner (for CRM-M-65406-2024).

Mr. Abhaysher Singh, Advocate
for the petitioner (for CRM-M-38882-2025).

Mr. Amit Rana, Sr. DAG, Punjab
Assisted by ASI Jagjeet Singh.

MANJARI NEHRU KAUL, J.(ORAL)

1. The instant petitions have been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.146 dated 09.09.2022 under Sections 302, 307, 336, 447, 120-B, 148, 149 of Indian Penal Code, 1860 and Sections 25, 27 (and Sections 54, 59, 29 added later on) of the Arms Act, 1959, registered at Police Station Cantt, District Jalandhar (Annexure P-1).



2. This common order shall dispose of both the instant petitions as they arise out of same FIR as mentioned above.

3. Learned counsel for the petitioner(s) submit that while petitioner Hira Singh has been in custody since 14.11.2023, petitioner Jaswant Singh has been in custody since 09.09.2022. It has been argued by the learned counsel for the petitioner(s) that even as per the case of the prosecution, both these petitioners have not been attributed any injury on the complainant-party, much less on the deceased; the petitioner Hira Singh was alleged to be present at the place of occurrence on a tractor, on which all the accused had arrived together, while petitioner Jaswant Singh was attributed the joint *lalkara* with co-accused Kabal Singh, who has since been extended the concession of bail by this Court vide order dated 16.05.2025 (Annexure P-6).

4. It has also been argued by both the learned counsel for the petitioner(s) that in addition to the above, no recovery of any weapon had been effected from either of the parties, which further lends credence to a false case having been planted upon them. Learned counsel have, therefore, prayed that both these petitioners be admitted to bail as the possibility of the trial concluding in the near future does not arise; after one prosecution witness Dr. Manpreet (who conducted the postmortem upon the deceased) was completely examined, and two other witnesses i.e. complainant Pargat Singh and alleged eyewitness Darshan Singh were examined-in-chief, an



application under Section 319/358 BNSS had been moved to summon certain other persons as additional accused. Learned counsel submits that the trial is therefore likely to be prolonged.

5. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner nor has he, on instructions, disputed the role allegedly attributed to both these petitioners. The stage of the trial has also not been disputed by the learned State counsel, however, learned State counsel, has reiterated the allegations levelled in the FIR (Annexure P-1), which stands reproduced hereinunder:-

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

6. Learned State counsel has submitted that it was a clearly premeditated attack by all the accused including the petitioners; although the petitioners did not actively participate in the occurrence in question, however, they were part of the unlawful assembly and had arrived together with common motive.

7. I have heard learned counsel for the parties and perused the relevant material placed on record.

8. The petitioners have been in custody for almost two years after they were arrested on 14.11.2023 and 09.09.2022 respectively. The case of



petitioner Jaswant Singh is at par with that of co-accused Kabal Singh, who has since been extended the concession of bail vide order dated 16.05.2025 passed by this Court. As not disputed by the learned State counsel, petitione Hira Singh has not been attributed any active role in the occurrence in question, much less of having even raised a *lalkara*. His presence is only shown along with co-accused at the relevant time.

9. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to admit the petitioners to bail. Accordingly, the instant petitions are allowed, and the petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11. Needless to add here, in case the petitioners are found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to them.

12. Copy of this order be placed on the file of the connected case.

August 28, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*