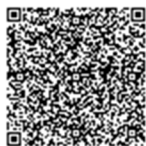


2025:PHHC:073523



1

CRM-M-28585-2025

226

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

CRM-M-28585-2025
Decided on: 28.05.2025

Jatinderpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Kuljit Kaur, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

Mr. Manbir Singh Basra, Advocate and
Mr. Anupinder Brar, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
15	12.02.2025	Kalanaur, District Gurdaspur	103, 190, 191(3), 61(2) of BNS 2023 and 25, 27 of Arms Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 13 of the bail petition, the petitioner declares that he has no criminal antecedents.

3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

“Statement of Gurwinder Singh Son of Amrik Singh Resident of Sahoor Khurd, Police Station Kalanaur, Dist Gurdaspur, Age around 40 years Mobile No. 94174-05619 stated that I am resident of above said address and I do farming and I am Existing Sarpanch of the village and today on 12.02.2025 my younger brother Nirmal Singh Aged about 35 years was



CRM-M-28585-2025

going to kalanaur from the village for his personal work on his electronic bike and I was following him in my car INDICA when we reached near Kerela School outside kalanaur approximately around 1.30pm then a gaddi Bolero color white in which Saroop Singh Son of Joginder Singh, Jatinder Pal Singh son of Jagir Singh resident of Sahoor Khurd and Arshdeep Singh son of Sukhwinder Singh, Sonu son of Kaala resident of Chandu Wadala (Khasa) and one Bullet Motorcycle on which Agyapal singh son of Ranbir singh and Lovepreet singh @ Labha son of Ranjit singh resident of Sahoor khurd and one Splender motorcycle on which Gurmeet singh son of Avtar singh, Ranbir singh son of Jagir Singh resident of sahoor khurd and along with them some unknown persons came and motorcycle rider Lovepreet singh @ labha son of ranjit singh resident of sahoor khurd started firing on my brother Nirmal singh with the weapon in his hand due to which my brother Nirmal singh fell in the wheat field on the left side of the road along with his scooty to whom I and my younger brother took him in our car and admitted him in the civil hospital kalanaur. Where my brother Nirmal Singh died the reason due to some personal grudge /revenge is that some day ago we repair the panchayti road (carpet) then above said persons were not in the favour and on the same day they were threatened me by saying that they will teach you a lesson for picking fight with them on that day Ranjit singh son of Jagir singh resident of sahoor khurd was also present there so all such persons planned it and committed the crime by hatching criminal conspiracy After committing such crime all the persons fled away from the spot on their bikes.”

4. Petitioner seeks bail on the ground that he was not present at the place of occurrence and rather he was at his daughter's house at that time at Panwa, Distt. Gurdaspur. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

REASONING:

6. I have heard counsel for the parties and its analysis would lead to the following outcome.

7. Petitioner's ground for bail is plea of alibi and counsel has referred to para 5 of



CRM-M-28585-2025

the bail petition, in which petitioner claims that he had gone to his daughter's house at Panwa, Gurdaspur on 11.02.2025 and he was not present in his village on the alleged day of incident i.e. 12.02.2025. In the said para, he also mentioned that he came to know about the said incident from his family members.

8. Perusal of the bail petition does not refer to any corroborative documents to prove the petitioner's plea of alibi. However, somebody can always prove their location by google location or in case of iphone, it can be done through IOS application etc. Perusal of the petition shows that it is silent about this aspect. Consequently, not even the affidavit of the daughter is annexed to the petition to prove the plea of alibi and also not supported by affidavit of some members of the village who had seen the petitioner visiting his daughter's house and not living in his house on 12.02.2025. Even the mode of travel is not mentioned. Thus, petitioner has prima facie failed to prove the plea of alibi for the purpose of this bail. It is clarified that simply because this Court is not applying the plea of alibi, does not mean that petitioner is debarred to prove the same. Subsequently the investigator is prohibited to further investigate this part, if found credible. Thus, petitioner is not entitled to bail on this ground. Petitioner's next ground for bail is that no injury has been attributed to him. State has opposed this ground by submitting that it was with common object of the accused to commit the murder. It shall be appropriate to refer to para 4 & 10 of the reply dated 27.05.2025, which reads as follows:-

"4. That it is humbly submitted that the brief facts of this case that the present FIR No 15 Dated 12.02.2025 u/s 103, 190, 191(3), 61 (2) BNS and section 25,27254,59- Arms Act, Police Station Kalanaur was registered on the statement complainant Gurwinder Singh s/o Amrik Singh r/o Sahoor Khurd, Police Station Kalanaur that on 12.02.2025, his brother Nirmal Singh had been going to Kalanaur from his village and he was following him on his car and when reached near Kerala School, Kalanaur at about 1.30 p.m, one vehicle Bolero white in color which was being borne by 1) Saroop Singh s/o Joginder Singh alongwith 2) Jatinder Pal Singh (Petitioner) and 3) Arshdeep Singh s/o Sukhwinder Singh, 4) Sonu s/o Kalla r/o Chandu Wadala came over there and one Bullet motorcycle which was being borne by 5) Agyapal Singh s/o Randbir Singh alongwith 6) Lovepreet Singh @ Labha s/o Ranjit Singh r/o Sahoor Khurd and another motorcycle also came over there which was being borne by 7) Gurmeet Singh s/o Avtar Singh, 8) Ranbir Singh s/o Jagir Singh r/o Sahoor Khurd alongwith unknown persons came over there and Lovepreet Singh @ Labha fired at his brother Nirmal Singh with his weapon whereby

2025:PHHC:073523



4

CRM-M-28585-2025

his brother fell down in the fields alongwith scooter. Then he and his younger brother Palwinder Singh took him to Civil Hospital where he died. 9) Ranjit Singh s/o Jagir Singh also present and 10) Unknown persons.

10. ROLE OF THE PETITIONER

It is submitted that on the basis of statement of the complainant the present petitioner was present in the bolero car, with two wheeler in which another co-accused was travelling and was also present in the previous conflict between the co-accused and the brother of the complainant relating to the panchayati land.”

9. Perusal of the reply filed by the concerned DySP, clearly points out that petitioner was not only named but even his role is mentioned being present in the car and his presence is also mentioned in the previous conflict between the co-accused and complainant’s brother regarding panchayati land. Thus, there is prima facie motive available to the petitioner that is common object and it is not necessary that all the accused cause injuries.

10. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

28.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.