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

CRM-M-37013-2025

Date of decision: July 21, 2025

Gurmail Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Jasdeep Singh Gill, Advocate for the petitioners.

Mr. Gaurav Gurcharan S. Rai, Senior DAG Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the BNSS, 2023 for grant of regular bail to the petitioners in case bearing FIR No.85 dated 22.04.2025, registered for the offences punishable under Sections 109, 190, 191 (3), 61(2), 324 (4) of the BNS, 2023 and Sections 25 & 27 of the Arms Act, 1959, at Police Station Sidhwan Bet, Police District Ludhiana Rural, District Ludhiana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioners) is as follows:-

“Statement of Mandeep Singh s/o Surjit Singh s/o Ajmer Singh r/o 1612 Mandevilla lane seres-ca-95307 U.S.A., currently residing at Mohi, P.S. Sudhar, District Ludhiana, aged about 56 years, mobile no. 95921-61156. Stated that I am A resident of the above-mentioned address and I came to Punjab from California in November 2024. Land my brother in law Tejinder Singh s/o Bharpur Singh r/o Savaddi Kalan are owners of land measuring 31 acres, situated at Village Taraf Kotli and Munabbarpur. Till March 2024, I and my brother in law Tejinder Singh had given our land on lease for cultivation to Jatinderjit Singh s/o Bhawandeep



Singh r/o Tiharha. After March, I had myself sown the crop on this land. On 25.03.2025, case FIR No. 61 dated 25.03.2025 u/s 329, 303(2) BNS, P.S. Sidhwan Bet was registered against Gagandeep Singh etc. on my statement. Then on 14.04.2025, information was given by my known persons that Gagandeep Singh s/o Pal Singh s/o Duman Singh and Prabhsharan Singh s/ Gagandeep Singh r/o House No. 10, Street No. 01, New Agar Nagar, Rajguru Nagar, Ludhiana, P.S. Sarabha Nagar, District Ludhiana along with 30-40 persons are trying to harvest the wheat crop which was sown by me. In this regard, i made a complaint at 112 and police after reaching the spot restrained them from harvesting the crop: Both the parties were given time. Today, at about 10:00 A.M., I came to know from my known person that Prabhsharan Singh s/o Gagandeep Singh along with Gurmail Singh s/o Gurdial Singh and Jaswinder Singh s/o Kartar Singh, residents of Gholian Khurd, and Kuldeep Singh s/o Kulbir Singh, Harjit Singh residents of Kashipur, Uttarakhand along with 7-8 unknown persons are trying to harvest the wheat crop and to take the possession. On which, I along with my father in law Bharpur Singh s/o Hameer Singh, r/o Sabdin Kalan, Gurmail Singh s/o Channan Singh, Balwant Singh s/o Kishan Singh, Kohinoorpreet Singh s/o Gurmail Singh, Narinder Singh s/o Gurmail Singh, residents of Mohi and Avtar Singh s/o Balbir Singh r/o Sawadhin Kalan, Gurpreet Singh s/o Jasvir Singh r/o Dolewal, Basti Kaseana, District Moga came to my fields in vehicle make Safari bearing no. PB-10EA-1882 and my own Thar bearing no. PB-10HQ-4477 situated in Villages Munabarpur and Taraf Kotli to see the wheat crop. We parked our cars on the main passage and as we alighted from the said vehicles in the passage, Prabhsharan Singh s/o Gagandeep Singh and along with him Gurmail Singh s/o Gurdial Singh, Jaswinder Singh s/o Kartar Singh r/o Gholian Khurd, Kuldeep Singh s/o Kulbir Singh and Harjit Singh r/o Kashipur, Uttarakhand and 7-8 unknown persons were already hiding there along with their respective weapons. In the meantime Prabhsharan Singh s/o Gagandeep Singh fired a shot at us with the intention to kill us and thereafter, his associates Kuldeep Singh s/o Kulbir Singh and Harjit Singh residents of Kashipur, Uttarakhand also fired shots at us with the intention to kill us. One shot hit the side door of the vehicle make Safari bearing no. PB-10EA-1882 and another shot hit at the tire of the said vehicle. One shot passed over my head and one shot was fired at my associate Gurpreet Singh s/o Jasvir Singh r/o Village Dolewal, Basti Kaseana, District Moga with the intention to kill him, which hit Gurpreet Singh in the abdomen. They fired more shots at us with the intention to kill us. My associate Narender



Singh arranged a vehicle and took Gurpreet Singh to Civil Hospital, Jagraon, where he was referred to DMC Ludhiana. This attack was perpetrated with the backing of (sheh par) Gagandeep Singh s/o Pal Singh s/o Duman Singh r/o House No.10, Street No. 01, New Agar Nagar, Rajguru Nagar, Ludhiana, P.S. Sarabha Nagar, District Ludhiana and Jamail Singh s/o Kala Singh r/o Krishnapura Kalan, P.S. Dharmkot, District Moga. The said incident was witnessed by Narinder Singh s/o Gurmail Singh r/o Mohi. I called at 112 and gave information regarding the occurrence. The reason behind the said occurrence is that a dispute regarding our land is going on. After seeing the police party, above persons fled away from the spot in the vehicle make Thar along with their respective weapons. Action be taken against them. I have got my statement recorded, heard and found correct.”

3. Learned counsel for the petitioners has iterated that the petitioners are in custody since 22.04.2025. Learned counsel has further submitted that the petitioners have been falsely implicated into the FIR in question. Learned counsel has further iterated that no fire shot or any other injury invoking the offence of Section 109 of BNSS, 2023 is attributable to the petitioners, even as per the case of the prosecution. Learned counsel has further argued that, at the most, the petitioners are alleged to be armed with *danda* and no specific injury has been attributed to the petitioners. Learned counsel for the petitioners has submitted that the petitioners are said to be arraigned as accused primarily on account of being co-assailants, but no specific role has been attributed to the petitioners and hence no useful purpose would be served by keeping the petitioner in custody. In this view of the matter, learned counsel has prayed for the grant of regular bail to the petitioners.

4. Learned State counsel has opposed the present petition arguing that the allegations raised against the petitioners are serious in nature and thus they do not deserve the concession of the regular bail. Learned State counsel seeks to



place on record the custody certificates dated 21.07.2025 in Court today, which are taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioners were arrested on 22.04.2025 whereinafter investigation was carried out and challan stands presented. The rival contentions raised by the learned counsel; regarding the specific role attributed to the petitioners and as to whether they can be held liable for the offence under Section 109 of the BNSS, 2023 having added as the co-assailants or not; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioners absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificates dated 21.07.2025 filed by learned State counsel, the petitioners have already suffered incarceration for a period of more than 02 months & are not shown to be involved in any other case.

Suffice to say, further detention of the petitioners as undertrials are not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioners shall remain bound by the following conditions:-

- (i) The petitioners shall not mis-use the liberty granted.



- (ii) The petitioners shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioners shall not absent themselves on any date before the trial.
- (iv) The petitioners shall not commit any offence while on bail.
- (v) The petitioners shall deposit their passports, if any, with the trial Court.
- (vi) The petitioners shall give their cellphone numbers to the Investigating Officer/SHO of concerned Police Station and shall not change their cell-phone numbers without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioners shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioners.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

July 21, 2025
mahavir

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