

2025:PHHC:056437



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63149-2024

Reserved on: 03.04.2025

Pronounced on:29.04.2025

NAVJOT SINGH @ NAVTEJ SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
146	09.09.2022	Mallanwala, District Ferozepur	302/307/336/447/120-B/148 and 149 of IPC and Sections 25/27/54 and 59 of Arms Act and Section 29 of Arms Act added later on

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 15 of the bail application and para 8 of the reply/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	234	26.09.2022	21-C/25 and 29 of NDPS Act	Special Task Force, District STF Wing, SAS Nagar, Mohali

3. The facts and allegations are taken from the reply, which reads as follows:

“FIR No. 146 dated 09.09.2022 under Sections 302, 307, 336, 447, 120-B, 148, 149 IPC and 25/27/29 of the Arms Act was registered in Police Station Mallanwala on the statement of Pargat Singh son of Sulakhan Singh, resident of village FatehgarhSabhra, Mallanwala, Ferozepur against 1)Kabal Singh



son of Hari Singh, 2)Jaswant Singh son of Kabal Singh, 3) Nishan Singh son of Kundan Singh, 4)Gurdev Singh alias Foji son of Santokh Singh, 5)Harbhajan Singh son of Santokh Singh, 6)Sukhdev Singh son of Santokh Singh, 7) Malook Singh son of Harbans Singh, 8) Gursewak Singh son of Malook Singh, 9)Guravtar Singh son of Malook Singh, 10)Sardool Singh son of Harbans Singh, 11) Ranjit Singh son of Sardool Singh, 12) Palwinder Singh son of Bakhshish Singh, 13) Harpreet Singh son of Nishan Singh, 14) Jaswant Singh son of Joginder Singh, 15) Hardeep Singh son of Joginder Singh, 16) Arshdeep Singh son of Gurwinder Singh and three unknown persons, on the allegations that the complainant had a dispute regarding partition of land measuring 15 Killas with Kabal Singh and others, which is pending in the court of SDM, Zira, which is being pursued by Harpreet Singh son of Nishan Singh, Jaswant Singh son of Joginder Singh, Hardeep Singh son of Joginder Singh and Arshdeep Singh son of Gurwinder Singh. On 08.09.2022, at about 12/12:30 p.m., complainant alongwith his brother Jaswant Singh was working in their fields. All of a sudden, they heard gun shot fire and they saw that Gurdev Singh Fauji son of Santokh Singh and his brother Harbhajan Singh, Sukhdev Singh alongwith many people came on tractor and other vehicles and started ploughing Chari fodder sown over the land measuring 4 Kanal 8 Marla, which is in their (complainant's) possession. Gurdev Singh, Harbhajan Singh and Sukhdev Singh started firing from their rifles. Out of fear, complainant alongwith his brother Jaswant Singh rushed towards their house and on seeing them, Kabal Singh, his son Jaswant Singh and Nishan Singh son of Kundan Singh started raising Lalkaras. When they reached near their house, on hearing clamor, his (complainant's) son Balraj Singh, brother Balwinder Singh, nephew Gurjit Singh came forward to rescue them, whereupon Gurdev Singh Fauji armed with 315 rifle, Harbhajan Singh armed with 315 rifle, Sukhdev Singh armed with 12 bore gun, Malook Singh, Gursewak Singh armed with kirpans, Guravtar Singh son of Malook Singh, Sardool Singh son of Harbans Singh, Ranjit Singh son of Sardool Singh, Palwinder Singh son of Bakhshish Singh along with other 25/30 unidentified persons came there. Malook Singh raised Lalkara to kill all of them. Then, Gurdev Singh Fauji fired shot from his 315 bore rifle with the intention of killing his son Balraj Singh, which hit his right shoulder. Harbhajan Singh fired a shot from 315 bore rifle, which hit his brother Balwinder Singh. Gurdev Singh Fauji fired from his gun which hit left thigh of his nephew Gurjit Singh. Then, Sukhdev Singh fired shot from his



12 bore gun towards Gurjit Singh, which hit on left leg and right leg. Sukhdev Singh also fired shot towards his brother Jaswant Singh, the pellets of which hit on chest, face and forehead of Jaswant Singh. Then Sukhdev Singh fired another shot towards him (the complainant) which hit his both legs. He raised an alarm, whereupon all the assailants fled away from the spot on their vehicles. Balraj Singh, Balwinder Singh, Jaswant Singh and Gurjit Singh were taken to Civil Hospital, Ferozpur, where Balraj Singh and Balwinder Singh were declared to be brought dead by the doctor, whereas Jaswant Singh and Gurjit Singh were referred to GGS Medical College and Hospital, Faridkot.

4. That vide letter no.2391-5/RSSP dated 1.9.2022, to conduct fair investigation, Senior Superintendent of Police, Ferozpur constituted a SIT and Shri Yadwinder Singh, PPS, DSP(SD) Zira conducted investigation in the case and as per the investigation conducted by DSP(SD) Guruharsahai, Nishan Singh son of Kundan Singh, Malook Singh son of Harbans Singh, Gursewak Singh son of Malook Singh, Guravtarsingh son of Malook Singh, Sardool Singh son of Harbans Singh, Ranjit Singh son of Sardool Singh, Palwinder Singh son of Bakhshish Singh, Harpreet Singh son of Nishan Singh, Jaswant Singh son of Joginder Singh, Hardeep Singh son of Joginder Singh and Arshdeep Singh son of Gurwinder Singh were declared as innocent. As per the CCTV footage contained in the pen drive taken into possession by the police during investigation, Ranjit Singh alias Rana son of Jaswant Singh, Balwinder Singh son of Sulakhan Singh, Jaswant Singh son of Sulakhan Singh, Balraj Singh son of Pargat Singh, Gurjit Singh son of Balwinder Singh, Pargat Singh son of Sulakhan Singh, Gurdev Singh son of Amarjit Singh, Gurbhej Singh son of Amarjit Singh, Chanan Singh son of Bikkar Singh, Amarjit Singh son of Bikkar Singh residents of FatehgarhSabhran, Raghbir Singh son of Hira Singh r/o Killi Gudda, Harbhajan Singh son of Darshan Singh r/o village Booh Havelian, District Tarn Taran, Gurjant Singh son of Rajbir Singh r/o village Aehike Ke, Darbara Singh son of Ajit Singh r/o Gamma Murada, Mehtab Singh son of Balkar Singh r/o Gama Murada were seen armed with weapons and attacking Gurdev Singh Fauji party. Thus vide DDR no. 022 dated 6.3.2023, Nishan Singh and others were declared innocent and cross rapat u/s 336, 148, 149, 120-B IPC and 25/27 Arms Act was registered against Ranjit Singh alias Rana and others.

4. Petitioner seeks bail on the ground that he was not named in the FIR and he was



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arraigned as an accused on the basis of disclosure statement and no test identification was done. He further submits that there is no direct evidence against the petitioner and he is in custody since 01.01.2023 and further submits that out of 41 witnesses, only one is examined till date. Petitioner also prays for bail for getting treatment of his ailing mother. 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.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“xxx xxx xxx xxx

6. That the petitioner was arrested in this case on 05.01.2023 and the Polo car no. PB-08CG-5567 used at the time of occurrence was recovered from him. The supplementary challan against him has already been presented in the Ld. Trial Court on 03.04.2023. Charge has been framed against him on 20.07.2024. The trial is now fixed for 11.03.2025 for prosecution evidence.

Role of Petitioner

7. That as per the statement of Darbara Singh son of Ajit Singh, r/o village GammeMurade Wala and Dilbagh Singh son of Harbans Singh, r/o village Killi Gudda, PS:Mallanwala recorded before DSP, Guruharsahai, on 08.09.2022, Navtej Singh (petitioner) alongwith others present at the time of occurrence alongwith tractor Swaraj 735 bearing registration no. PB-10-1076, Tractor make Swaraj 855 color red no. PB-05-1259 and car bearing registration no. PB-46U-6351 make Swift and car no. PB-08CG-5567 and participated in the occurrence. Thereafter the aforesaid Polo car no. PB-08CG-5567 was recovered from petitioner and the same was also taken into possession by the police. Thus the petitioner is the member of group of assailants who caused the occurrence.

Criminal antecedents of petitioner

8. That as per police record, one another FIR no.234 dated 26.09.2022 u/s 21-C/25/29 NDPS Act PS:Chohla Sahab, was also registered against the petitioner.

Incriminating evidence against the petitioner

9. That so far as the incriminating material against the petitioner is concerned, he was not named in the FIR, but subsequently during investigation of the case, Darbara Singh son of Ajit Singh, r/o village



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GammeMurade Wala and Dilbagh Singh son of Harbans Singh, r/o village Killi Gudda, PS: Mallanwala recorded before DSP, Guruharsahai, on 08.09.2022 that Navtej Singh (petitioner) alongwith others was present at the time of occurrence alongwith tractor Swaraj 735 bearing registration no. PB-10-1076, Tractor make Swaraj 855 color red no.PB-05-1259 and car bearing registration no.,PB-46U-6351 make Swift and car no.PB-08CG-5567 and participated in the occurrence. Thereafter the aforesaid Polo car no. PB-08CG-5567 was recovered from petitioner and the same was also taken into possession by the police.”

REASONING:

7. A perusal of the reply clearly mentions that petitioner was not named initially but named as an accused by Darbara Singh later on and at that time he was present at the place of occurrence. The entire incident was of forcibly taking possession and petitioner's presence at the spot would certainly attract the provisions of Section 149 IPC that is common object which was to dispossess the victim party. The ground of illness of petitioner's mother is also cannot be a ground to grant bail because his father is alive and there is no reference of other family members. Further it is a case of 302 IPC, wherein firing had taken place and even life was lost. In addition to that, there was an attempt to murder, the offence is serious, full of cruelty, lawlessness and breaking of law and order. Thus, in the entirety of facts and circumstances, it is not a case for bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

8. **The petitioner's custody is 05.01.2023 cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is for life.**

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

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

**(ANOOP CHITKARA)
JUDGE**

29.04.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.