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

**CRM-26188-2025 in/and
CRM-M-41793-2024
Date of Decision:23.07.2025**

Gurlal Singh ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, DAG, Punjab.

N.S.Shekhawat J. (Oral)

CRM-26188-2025

1. Application is allowed as prayed for subject to all just exceptions. Annexure P-4 is taken on record.

CRM-M-41793-2024

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.91 dated 09.10.2023 registered under Sections 302, 323, 148, 149 of IPC, at Police Station Khem Karan, District Tarn Taran.

2. The FIR in the present case was registered on the basis of the statement made by Harpal Singh son of Baldev Singh and the same has been reproduced below:-

*“Statement of Harpal Singh son of Baldev Singh, resident of
Mehdipur Police Station Khem Karan aged about 30 years,*

mobile number 88474-27608, has stated that I am a resident of the said address and engaged in agriculture work, we are two brothers, I am younger and Rachpal Singh is elder to me. We both are married and we are residing together in village Mehdipur near Bahka and we own ancestral land near to our residential house which is adjacent to the link road leading to Khem Karan Road and the land adjacent to our land, belongs to our Aunt Veero wife of Darbara Singh resident of Mehdipur. Who out of her land has given 2-1/2 kilas (one and a half kilas) on lease to Channa Singh son of Dara Singh, resident of Mehdipur. Today on 09.10.2023 at about 12:41 PM, I and my brother Rachpal Singh were present in the house, where I received a call on my mobile number i.e. 75289-07145 from Prabhjit Singh alias Prabhu called from his mobile number 98146-45367 and said that send your brother Rachpal Singh outside, I have to talk about something, so I told him to tell me what is the matter. I sent my brother Rachpal Singh out and after 5 minutes I also followed my brother and I saw that Prabhjit Singh alias Prabhu Son Channa Singh armed with Datar, Shamsher Singh alias Shera son of Channa Singh armed with Dang, Gurlal Singh son of Nawab Singh armed with Dang and Channa Singh son of Dara Singh was empty handed, all residents of Mehdipur along with 4/5 unknown persons were present at the land near to link road which leads from Mehdipur towards Khem Karan and they all were standing and when they saw my brother reaching near to them, Channa Singh raised a Lalkara to catch hold Rachpal Singh and teach him a lesson for releasing water in our leased land, on saying this, Channa Singh grabbed my brother from his both arms and in a rage Prabhjit Singh alias Prabhu with the intention to kill my brother, directly gave a Datar blow on his head, which hit him on the left side of the head, resulting which he fell down on the ground in a pool of blood, then Shamsher Singh alias Shera and Gurlal Singh gave Daang blows to him when he

was lying down and after seeing this, I raised an alarm "Maar Dita Maar Dita". After hearing my voice, my uncle Kashmir Singh son of Dayal Singh and Gursher Singh son of Joga Singh residents of Mehdipur had reached at the spot, who had eye-witnessed the said incident, and after seeing us, all the said assailants rushed away from the spot along with their weapons and I saw that my brother's head was bleeding heavily and he had a big tear in his head and fell in a state of unconsciousness. On which we arranged a ride for my brother and took him to Civil Hospital Sura Singh for treatment. Where the doctor declared him brought dead. The reason of enmity is that we have watered/irrigate our land by using motor and suddenly due to a ditch in our distributed land, the water came out in the ditch went into the paddy field of Prabhjit Singh alias Prabhu. Which they were harvesting. To whom we had also told that we will cut the wet paddy and deliver it to your house, but he did not listen to us, and because of this resentment, they all came together and injured my brother and because of which he died. I left my brother's body near my uncle Kashmir Singh son of Dayal Singh and Gursher Singh son of Joga Singh, I along with my uncle's son Gurjant Singh son of Kashmir Singh and I was coming to you but you met me on the way, it is requested that strict legal action should be taken against above persons. I have written the statement and heard it. Its Correct/-Harpal Singh Confirmation."

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case as his family was having a dispute over watercourse with Harpal Singh, complainant. In fact, due to the old long pending dispute over the watercourse, the petitioner has been falsely involved by the complainant in the present case. Learned counsel further contends that as per the case set up by the prosecution, Prabhjeet Singh son of Channa Singh

gave a blow with *datar* on the head of Resham Singh (since deceased) and Resham Singh succumbed to the injuries. He next contends that it has been falsely alleged that the petitioner had caused an injury with a *daang* to Rachpal Singh (since deceased) when he fallen down. However, from a perusal of the Post Mortem Report (Annexure P-2), it is evident that there is no corresponding injury on the person of Rachpal Singh (since deceased). The petitioner was arrested in the present case on 07.11.2023 and is in custody for the last more than 01 year and 08 months. By referring to various zimni orders passed by the trial Court, learned counsel submits that the witnesses in the present case are intentionally not appearing before the trial Court so that the petitioner may continue in jail for a longer period.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that specific injury has been attributed to the petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the prosecution has alleged that the petitioner was carrying a *daang* and had caused injury to Rachpal Singh, when he had fallen down. However, the prosecution is yet to lead evidence before the trial Court in this regard. Even the petitioner is in custody for the last more than 01 year and 07 months and no witness has been examined so far. Thus, the trial Court may not conclude the trial in near future.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his

furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

23.07.2025
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(N.S.SHEKHAWAT)
JUDGE

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