



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-41236-2022 (O&M)
Date of Decision:-21.1.2025

Surjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
85	27.5.2021	Kotbhai, District Sri Muktsar Sahib	302, 148, 149 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. This is the second petition filed on behalf of the petitioner seeking grant of regular bail in respect of the aforementioned FIR.
2. The FIR in question was lodged at the instance of Chhinder Kaur wherein it is alleged that their family owns 1¼ acres of land wherein they had constructed a residential house. In front of their house, lies the house of her 'deor' (brother-in-law) Tehal Singh and their land abuts the land belonging to the petitioner Surjit Singh. About 7-8 days ago, the petitioner had installed pillars near the common boundary without getting the land demarcated and while proclaiming that the land upto the said pillars belongs to him. Although, the complainant and her family had told Surjit Singh that he should first get the land demarcated but Surjit Singh did not agree for the same. It is



alleged that on 27.5.2021, Surjit Singh, Gurjit Singh, Sandeep Singh, Gurpreet Singh, Jeeta Singh and Mukhtiar Singh came to the fields on their tractor. Surjit Singh etc. were carrying spades. Surjit Singh raised a *lalkara* exhorting his companions that they will dismantle the existing 'vat' (boundary) and will make a new 'vat' (boundary) where pillars had been installed and they started dismantling the old 'vat' (boundary) with spades. The complainant's husband Chhinda Singh went forward to restrain them. The complainant also followed her husband. Her brother-in-law Tehal Singh was working in the adjoining fields. When complainant's husband stopped Surjit Singh etc. from demolishing the 'vat' (boundary), Surjit Singh kept his spade (*kahi*) aside and caught hold of complainant's husband from his neck. The other co-accused namely Gurjit Singh, Sandeep Singh, Gurpreet Singh, Jeeta Singh, Mukhtiar Singh also manhandled her husband. Surjit Singh gave a push with both of his hands on the chest of complainant's husband, as a result of which he fell down. While he was lying down, the accused inflicted blows, causing internal injuries to him as a result of which he died at the spot.

3. Learned counsel *inter alia* contends that it is a case where the petitioner himself did not inflict any injury and is alleged to have caught hold of the deceased while the co-accused inflicted injuries. It has further been submitted that in any case, the deceased was suffering from some heart ailments and it is infact a death caused mainly on account of his ailments and not on account of the injuries sustained by him. It has also been submitted that as on date, the petitioner has been behind bars for a substantial period of 3 years, 7 months and 5 days, he deserves to be released on bail.



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(3)

4. On the other hand, learned State counsel has opposed the petition and submitted that since the petitioner is specifically named in the FIR and has played an important role in catching hold of the deceased while the co-accused inflicted injuries and infact it is the petitioner who had a motive, his complicity is clearly evident. Learned State counsel has informed that the petitioner as on date has been behind bars since the last about 3 years, 7 months and 5 days. It has also been informed that only 2 PWs out of cited 18 PWs have been examined till date.
5. This Court has considered the rival submissions addressed before this Court.
6. The points raised before this Court have been dealt with at length when his earlier petition was dismissed vide order dated 24.3.2022 passed in CRM-M-51500-2021. The complicity of petitioner is evident from the fact that he caught hold of the deceased so that the co-accused were able to inflict fatal injuries to him. The opinion of the doctor as regards cause of death is not such from which it could be inferred that he had died only on account of his heart ailments. No doubt, custody period is on the higher side, but having regard to the nature of the offence and also upon finding that there is no ambiguity of any sort in the case of the prosecution, this Court does not deem it appropriate to grant bail at this stage. The petition, as such is dismissed.
7. However, keeping in view the fact that as on date only 2 out of cited 18 PWs have been examined and while also bearing in mind the long custody of the petitioner, this Court deems it appropriate to issue the following directions:
 - (i) The trial Court shall frame a schedule of dates in advance for summoning the witnesses and shall also endeavour to



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record the statements of the PWs whose presence is duly secured. Special Messengers be deputed for securing the presence of the PWs. If deemed necessary, a letter may be written to the Senior Superintendent of Police, concerned, for getting the needful done for ensuring timely presence of Pws.

- (ii) The prosecution is directed to ensure the presence of all the PWs before the trial Court on the dates as may be fixed by the trial Court for recording prosecution evidence. The District Attorney concerned to take necessary steps for the purpose of securing the presence of the remaining PWs.

21.1.2025

Geeta

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No