



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-24504-2025

Date of Decision : 11.09.2025

GURJANT SINGH ALIAS GURJANT

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ms. Rishma Verma, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

Mr. Balbir Singh Sewak, Advocate
for the complainant.

AARADHNA SAWHNEY, J.

1. Present petition for grant of bail under Section 483 BNSS, 2023 has been filed by the petitioner, who is one of the accused in case FIR No.130, dated 05.12.2024, registered against him and others at the instance of Manpreet Kaur, at Police Station Maqboolpura, District Amritsar, u/s 103, 190 of BNS and Section 25 of Arms Act (Sections 249, 61(2), 49 of BNS added later on).

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Manpreet Kaur, wife of Gurpreet Singh @ Peeti, resident of Gali No.6, Maqboolpura, Mehta Road, Amritsar, set the criminal law in motion by filing a complaint pointing therein that she was married to Gurpreet Singh @ Peeti, about 11 year ago. They are blessed with two children. They are presently residing at Gali No.6, Maqboolpura, Mehta Road, Amritsar, though they have



another house at Dashmesh Avenue, Majitha Raod. Sachin, son of Gurbhej Singh, resident of backside Josan Hospital, Mehta Road, Amritsar, is engaged in illegal business of drug trafficking. Many a times, he was counselled by her husband to stop these illegal activities but no heed was paid. About 3-4 days ago, when complainant and her husband were present at their house at Maqboolpura, her father-in-law, namely, Jaspal Singh had come to meet them. At about 10.00 PM, aforesaid Sachin gave telephonic threats to her husband, which were heard by her and her father-in-law also. At about 10.50 PM, on 05.12.2024, she and her brother-in-law, namely, Harpreet Singh @ Ganja were waiting for her husband, outside street No.6. When her husband came out of his grayish coloured car (make Creta) bearing registration No. PB09-BW-1132, which was parked at the main road, Sachin and others started firing, which hit him on his stomach, head, right eye etc. Resultantly, he fell down in pool of blood. Complainant has also specifically mentioned that Gurbhej Singh (father of Sachin) instigated the boys to kill her husband (Gurpreet Singh). Before anybody could react, the assailants fled away. Complainant and her brother-in-law rushed her badly injured husband to Josan Hospital, thereafter, to Pulse Hospital where first-aid was provided. On account of the delicate medical condition of her husband, he was referred to Escort Hospital. Unfortunately, for the family, the injured breathed his last in the hospital.

Primarily with this backdrop, complainant requested the police officials to caught hold of all those who were involved in this incident, as also to initiate appropriate criminal proceedings against them. On the basis of the said complaint a formal case vide FIR No.130 dated 05.12.2024 was registered. Investigations were set into motion, during which, it came to the notice of the



Investigating Officer that after committing murder of Gurpreet Singh @ Peeti, Tejinder Singh @ Sachin, Ramandeep Singh @ Romy, Akashdeep Singh @ Gaggu and Gagandeep Singh @ Honey were initially provided shelter by one Navdeep Singh @ Preet and thereafter, they stayed with the **present petitioner, namely, Gurjant Singh @ Gurjant** at his village Kot Dharam Chand Kalan.

3. Based on the information collected, the present petitioner was arrested on 16.03.2025. During the course of interrogation, as has been portrayed by the prosecution, **present petitioner confessed to his involvement to the extent that he unknowingly provided shelter to the accused.** An application for grant of bail under Section 483 BNSS was filed by the present petitioner and co-accused Navdeep Singh. The same was dismissed by the learned Additional Sessions Judge, Amritsar in terms of order dated 15.04.2025. Aggrieved of the same, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, he was not named in the FIR and has nothing to do with the alleged offence. Continuing further, learned counsel submits that even if the story portrayed by the prosecution, with regard to the involvement of the present petition, is taken to be true at its face-value, the only role attributed to him is that, without knowing that Tejinder Singh @ Sachin and others had killed the husband of the complainant, he let them to stay in his residence.

Learned counsel next submits that since investigations qua petitioner are complete and since completion of trial is likely to take some time, taking into consideration the fact that he (petitioner) has been in custody since March, 2025, the role attributed to him in the incident, lenient view deserves to be taken in his



favour by extending him the concession of bail as his further incarceration would not serve any useful purpose. Petitioner further undertakes to abide by all the conditions imposed by the Court, while extending the concession of bail to him.

5. Status Report dated 26.08.2025 by way of affidavit of Dr. Sheetal Singh, Assistant Commissioner of Police, East Amritsar filed on behalf of the respondent-State has already been placed on record. In para 9 thereof, it has been specifically mentioned that after committing the offence, Sachin and others had initially stayed with Navdeep Singh @ Preet at Mohali and thereafter, with the present petitioner (Gurjant Singh) at his village Kot Dharam Chand Kalan. Nothing could be found in the investigation indicating that petitioner knowingly let Tejinder Singh @ Sachin and others stay with him.

6. Heard.

7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in "***Gurbaksh Singh Sibbia V. State of Punjab***",((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in Nagendra v. King-Emperor [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In K.N. Joglekar v. Emperor [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible



principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In Emperor v. Hutchinson [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the Criminal Procedure Code was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in Gudikanti Narasimhulu v. Public Prosecutor [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of Article 21 are the life of that human right.”

29. In Gurcharan Singh v. State (Delhi Administration) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”



It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”

Hon’ble Supreme Court in “***Mahipal Vs. Rajesh Kumar @ Polia and another***”,(2020(2) SCC 118) held as under:-

*“11. The power to grant bail under Section 439 is of a wide amplitude. But it is well settled that though the grant of bail involves the exercise of the discretionary power of the court, it has to be exercised in a judicious manner and not as a matter of course. In **Ram Govind Upadhyay v. Sudarshan Singh, (2002) 3 SCC 598**, Justice Umesh Banerjee, speaking for a two judge Bench of this Court, laid down the factors that must guide the exercise of the power to grant bail in the following terms:*

"3. Grant of bail though being a discretionary order - but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case .The nature of the offence is one of the basic considerations for the grant of bail - more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.

4. Apart from the above, certain other which may be attributed to be relevant considerations may also be noticed at this juncture, though however, the same are only illustrative and not exhaustive, neither there can be any. The considerations being:

(a) While granting bail the court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails a conviction and the nature of evidence in support of the accusations.



(b) Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the court in the matter of grant of bail.

(c) While it is not expected to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be a prima facie satisfaction of the court in support of the charge.

(d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail, and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."

12. The determination of whether a case is fit for the grant of bail involves the balancing of numerous factors, among which the nature of the offence, the severity of the punishment and a prima facie view of the involvement of the accused are important. No straight jacket formula exists for courts to assess an application for the grant or rejection of bail. At the stage of assessing whether a case is fit for the grant of bail, the court is not required to enter into a detailed analysis of the evidence on record to establish beyond reasonable doubt the commission of the crime by the accused. That is a matter for trial. However, the Court is required to examine whether there is a prima facie or reasonable ground to believe that the accused had committed the offence and on a balance of the considerations involved, the continued custody of the accused sub-serves the purpose of the criminal justice system. Where bail has been granted by a lower court, an appellate court must be slow to interfere and ought to be guided by the principles set out for the exercise of the power to set aside bail.

*13. The principles that guide this Court in assessing the correctness of an order passed by the High Court granting bail were succinctly laid down by this Court in **Prasanta Kumar Sarkar v. Ashis***



***Chatterjee, (2010) 14 SCC 496.** In that case, the accused was facing trial for an offence punishable under Section 302 of the Penal Code. Several bail applications filed by the accused were dismissed by the Additional Chief Judicial Magistrate. The High Court in turn allowed the bail application filed by the accused. Setting aside the order of the High Court, Justice DK Jain, speaking for a two judge Bench of this Court held:*

"9. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.*

2. It is manifest that if the High Court does not advert to these relevant considerations and mechanically grants bail, the said order would suffer from the vice of non-application of mind, rendering it to be illegal."

In view of the settled position of law as referred above, let us revert back to the facts of the case as have been already noted in para 2 of this order. In



the status report, the role played by the petitioner has been highlighted. Considering the same, as also that investigations qua accused-petitioner are complete and completion of trial is likely to take some time, petitioner, who has been in custody since March, 2025, and whose past antecedents are quite clean (being not involved in any other case), lenient view is taken in favour of the petitioner by granting him the concession of bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate/Chief Judicial Magistrate concerned. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.



In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

Accordingly, present petition is allowed.

(AARADHNA SAWHNEY)
JUDGE

11.09.2025

Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>