



CRM-M-1860-2025

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-1860-2025
Date of decision: 12th May, 2025**

Gurwinder Singh @ Khedi Wala Baba

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Ghuman, Advocate for the petitioner.
Ms. Himani Arora, Assistant Advocate General, Punjab.

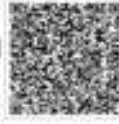
MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 95 dated 13.08.2024 registered under Sections 109, 333, 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 25 and 27 of Arms Act, 1959 at Police Station Fatehgarh Sahib, District Fatehgarh Sahib, Punjab.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Gurjeet Kaur alleging that her daughter Sahibjot Kaur was married with the petitioner on 07.11.2023. After her marriage, they came to know that the petitioner was a drug addict. He used to harass her daughter after consuming drugs. On 29.05.2024, the petitioner had assaulted Sahibjot Kaur in presence of son of the complainant and on coming to know about this, the complainant had prayed her daughter to her house. The petitioner subsequently came to bring Sahibjot back but she was not sent.



3. The complainant further alleged that on 12.08.2024, she was alone at her house when the petitioner reached there along with Parbhdeep Singh and some unknown persons. They knocked at the entrance gate of her house. The complainant did not open the same and then the petitioner had hurled abuses and had proclaimed that he would forcibly take away Sahibjot Kaur with him. Information was given to the police but thereafter on assurance given by the companions of the petitioner, the complainant opened the gate of the house and then the petitioner raised his voice and started speaking ill. He quarreled with the complainant and then took out a revolver and some other weapons from his vehicle. One of those weapons, was given to co-accused Prabhdeep Singh, who fired a shot with the said weapons, while pointing towards the complainant with an intent to kill her. The shot hit her left thigh. In the meanwhile, her son had reached there, who was attempted to be killed by the petitioner by firing shots, but he managed to save himself. Thereafter, the assailants fled from the spot while extending threats to kill the complainant and her family members. She was admitted to hospital and was undergoing treatment. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 15.08.2024. On his disclosure statement, co-accused Gurwinder Singh @ Bittu was nominated and arrested on 21.09.2024. The petitioner also lodged a complaint on the basis of which, a GD No. 24 dated 13.08.2024 was registered as a cross case against the complainant, her son Ramanjeet Singh and some other persons. The co-accused were also arrested. Investigation stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.



4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, the members of the complainant party had launched a murderous attack upon him when he had visited her in-laws house to bring his wife back. He had been severely beaten up by the complainant, her son and some other persons. The son of the complainant had struck a blow with an iron *daha* upon the head of his friend of Prabhjot Singh, who had been taken to Civil Hospital, Fatehgarh Sahib. Ramanjot Singh had reached there along with some accomplices and had tried to ramp his vehicle upon the petitioner and had launched a brutal attack upon him. The petitioner was also admitted in hospital. He was not the aggressor rather he was the victim. Due to injuries sustained him at the hands of the members of complainant party, the jaw of the petitioner had been broken and he had sustained grievous injury. He is in custody since long. Trial would take considerable time to conclude. His further incarceration would not serve any useful purpose. A compromise has been arrived at between the parties which has also been reduced into writing. With these broad submissions, it is urged that he deserves to be extended benefit of bail.

5. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab, that there are serious and grave allegations against the petitioner. He is involved in one more criminal case and has criminal antecedents. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Therefore, it is urged that the petition does not deserve to be allowed.

6. Rival contentions raised by learned counsel for the parties have been considered.



7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, he is alleged to have gone to the house of the complainant as on 12.08.2024 and is alleged to have opened an attack upon her. She was given a firearm injury by the petitioner whereas an attempt to kill her son had been made by co-accused Prabhjot by firing a shot upon him. The accused Prabhjot is also alleged to have sustained grievous injuries in the same incident. It is a case of version and cross-version. It is only on the basis of thorough assessment of the evidence to be produced during trial that it can be determined as to who was the aggressor. Trial is likely to take time, since prosecution witnesses are yet to be examined. A photocopy of a compromise arrived between the parties, is shown to has been placed on record. Though, no relevance can be given to this document at this stage, since the authenticity of the same will be proved before the learned trial Court, however, keeping in view the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th May, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*

: *Yes / No*

2. *Whether reportable*

: *Yes / No*