



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

207

CRM-M-17215-2024 (O&amp;M)

Date of decision: 28.05.2025

Gagna @ Lovepreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Ms. Archana Arora Rao, Advocate  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

\*\*\*\*

**MANJARI NEHRU KAUL, J.**

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0046 dated 27.05.2021 under Sections 302, 326, 325, 324, 323, 427, 148, 149, 120-B of the IPC registered at Police Station Sadar Rampura, Bathinda.

2. Learned counsel for the petitioner has submitted that the petitioner has been in custody since 07.06.2021 and despite the lapse of a substantial period, the trial has not yet concluded. It is argued that although 59 prosecution witnesses have been cited, only 01 has been examined; many have remained absent during proceedings, thereby rendering the timely conclusion of trial improbable.

3. The learned counsel for the petitioner further contends that the petitioner has been falsely implicated in the present case, primarily due to enmity harboured by the complainant party against his brother, Babu Singh. It is also contended that no specific or overt-act is



CRM-M-17215-2024 (O&M)

attributed to the petitioner in the incident in question, and that he has been named only due to the alleged grudge. It is urged that since key witness has already been examined, there exists no possibility of the petitioner influencing or intimidating any remaining witnesses, thereby entitling him to the benefit of regular bail.

4. *Per contra*, learned State counsel while opposing the prayer made by the counsel opposite, on instructions, although has not disputed the petitioner's period of incarceration. It is submitted, on instructions, that 26 out of the 59 cited witnesses have already been examined and not 01 as had been earlier submitted. Significantly, this includes PW Hardeep Singh, an injured eyewitness, who during his examination-in-chief, has fully supported the prosecution's version. The learned State counsel contends that the case rests substantially on eyewitness account, and that the testimony of PW Hardeep Singh lends crucial weight to the allegations levelled.

5. It is further submitted that 05 other material witnesses, who were allegedly present at the scene of the occurrence, are yet to be examined. Given the gravity of allegations and the petitioner's specific role as per the FIR, it is argued that releasing him on bail at this stage would pose a serious risk of witness intimidation. The State also highlights that part of the delay in trial proceedings is attributable to an application under Section 319 of the Cr.P.C., which has only recently been adjudicated upon. It has been further submitted that the FIR (Annexure P-1) clearly attributes a specific and grave role to the petitioner—namely Gagna @ Lovepreet Singh, that he was armed with



CRM-M-17215-2024 (O&M)

a *kirpan* (sword) and inflicted injuries on the complainant party during the assault. Furthermore, it is submitted that the ocular version is duly corroborated by medical evidence on record. In addition, the learned State counsel has reiterated the following allegations levelled in the FIR, which stands reproduced hereinunder :-

*“Statement Harvinder Singh alias Coach son of Dev Singh son of Kartar Singh resident of Ali Patti Chowke aged 26 years mobile number 98760-12250 stated that I am a resident of the said address. I am a kabaddi player as well as a farmer. I am a resident of the said address, do farming and also a Kabaddi player. A few days ago, Gagana Singh and Babbu Singh sons of Gela Singh resident of Chauke, had taken a chicken(murga) from the house of my uncle Makhan Singh son of Kartar Singh, of which my uncle Makhan Singh had given complaint to Gela Singh. That's why Babbu Singh and Gagana Singh used to angry with him. I used to help my uncle Makhan Singh, that's why yesterday, on 26/5/2021, I had a fight with Gagana Singh and Babbu, who had threatened me that I would see you. It will be around 6/7 pm that I was going to meet my friends, Satpal Singh S/O Binder Singh, Jaswinder Singh @ Jassa S/O Bant Singh, Hardeep Singh @ Dipi S/O Teja Singh, Satpal Singh @ Kala S/O Naib Singh resident of Chowke my friend Buta Singh S/O Balwinder Singh R/O Chauke di Pitho Road were talking while sitting on the motor then Gurjit Singh S/O Binder Singh weapon Gandasa (Heavy Wooden Stick), Babbu Singh S/O Gela Singh weapon Dang (Stick), Gagana Singh S/O Gela Singh weapon Kirpan, Seepu Singh S/o Binder Singh weapon Basewall and Keepa Singh S/o Darshan Singh weapon Pistol come at chawke field started shouting then Butta Singh and Satnam Singh ran away from the spot in fear and they started thrashing us as they came, Keepa Singh pointed the pistol which was in his hand towards me and Gurjit Singh hit me on my right leg below the Knee and I fell down. Seepu Singh hit me on my left leg with Baseball as i fell down, Babbu Singh hit me on my left hand with Stick, then Gurjeet Singh hit on my left shoulder with Gandasa(Heavy wooden stick) then Jasvinder Singh, Hardeep Singh and Satpal Singh came forward to release me, then Gurjeet Singh hit on Satpal Singh's left hand with Kirpan and Gurjit Singh hit with Gandasa(Wooden stick) on left leg and Seepu Singh punch with baseball and then Gurjit Singh punch Gandasa (Wooden Stick) which was*



CRM-M-17215-2024 (O&M)

*holding in his hand on Satpal's the left leg above ankle. Then the above said person hit on Hardeep Singh's left arm, Right knee and back of head, left arm and his right hand with their respective weapons and Jaswinder Singh @ Jassa also got hit on the left arm and Gurdeep Singh hit him with a Gandasa (Heavy wooden stick), Babbu singh hit him on the head with Stick, Seepu Singh hit him with a baseball and Babbu Singh hit him on his hand with stick which was holded in his hand, then Buta Singh and Satnam Singh stood at a distance started shouting "Marta-Marta" and we also started shouted "Marta-Marta". There were also 15/20 unknown persons when shouted by us, all the person ran away from the spot with their weapons and my motor cycle without number mark CT 100, Satpal Singh's motor cycle CT 100, Jaswinder Singh @ Jassa's Splendor Motor cycle silver colour and farm owner Buta Singh's motor cycle CD DOWN number 9751 were damaged while going, then all of us were admitted to Civil Hospital Rampura for treatment by our relatives by arranging vehicles. Where our treatment is going on. The reason is that I had fought with Babbu & Gagna S/o Gela singh r/o chawke on day time regarding the chicken(Murga) that's why the above has injured us. I am the claimant. Action should be taken."*

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The Court has carefully perused the case file and given due consideration to the submissions of both parties. The petitioner has been specifically named in the FIR, which narrates a premeditated and targeted assault based on prior animosity. The FIR attributes to the petitioner a specific and active role in the attack, namely the infliction of injuries with a lethal weapon (*kirpan*). The gravity and brutality of the offence, which includes not only the alleged murder of Harvinder Singh but also violent assaults on several others, underscore the seriousness of the accusations.

8. Crucially, the evidence on record, particularly the



CRM-M-17215-2024 (O&M)

examination-in-chief of PW Hardeep Singh, an injured eyewitness, lends substantial corroboration to the prosecution's case. Several material witnesses, particularly those present at the time of occurrence, remain to be examined. At this juncture, any concession of bail would carry a real and imminent risk of the petitioner attempting to influence or threaten witnesses yet to depose.

9. The contention that the delay in the conclusion of trial is solely due to systemic laxity does not stand fully substantiated. The record reveals that a part of the delay is attributable to proceedings initiated under Section 319 of the Cr.P.C., and in any event, the pendency of trial alone cannot become a ground for grant of bail where serious and specific allegations are made out and are *prima facie* corroborated by direct evidence.

10. In view of the foregoing and considering the nature of allegations, the specific role attributed to the petitioner, the corroboration through eyewitness and medical evidence, and the stage of trial where key witnesses remain to be examined, this Court finds no justifiable ground to grant the concession of regular bail at this stage.

11. Accordingly, the instant petition is hereby dismissed.

12. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13. However, given that the petitioner has remained in custody since June 2021, the learned Trial Court is directed to ensure expeditious completion of the trial. It is further directed that no



**CRM-M-17215-2024 (O&M)**

unwarranted adjournments be granted and that efforts be made to conclude the trial within the earliest possible time-frame, preferably within six months from the date of this order.

14. Pending applications, if any, stand disposed of.

**28.05.2025**

Vinay

**(MANJARI NEHRU KAUL)  
JUDGE**

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