

CRM-M-17324-2025

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

CRM-M-17324-2025
Reserved on: 01.07.2025
Pronounced on: 15.07.2025

Jaswinder Singh alias Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tajeshwar S. Sullar, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
06	17.02.2023	Handesra, District SAS Nagar	302, 379, 34 IPC and 4(1), 21(1) of Mines and Minerals (Regulation and Development) Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are taken from the reply filed by the State, which reads as follows:

“That with regard to the subject matter of the present petition, it is submitted that case/FIR No. 6 dated 17.02.2023 under Sections 302, 379, 34 IPC and Sections 4(1), 21(1) Mines and Minerals Act was registered at PS Handesra, District SAS Nagar against Jaswinder Singh @ Kala s/o Chhaju Singh (petitioner), Jaswinder Singh @ Chhinda and Harwinder Singh @ Gaggu on the statement of Bhupinder Singh that on the night of 16.02.2023, at approximately 10:30 PM to 11:00 PM, illegal mining activities were being carried out in the village. Upon hearing the sound of tractors operating in the area, his father named Gurcharan Singh along

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with one Mohinder Singh proceeded to the site to investigate. It is further alleged that they intercepted one of the tractors, whose driver Jaswinder Singh @ Kala (petitioner) informed them that Harwinder Singh @ Gaggu was carrying out mining operations on Shamlat land. Thereafter, the complainant's father asked the driver to call Harwinder Singh and to inform the Village Panchayat about the ongoing activity. Subsequently, the said driver allegedly called 5-7 other individuals to the location, who requested to be allowed to leave, assuring that they would bring Harwinder Singh to the site. It has been further alleged that, in the meantime, four more individuals arrived at the spot. It is alleged that the said Jaswinder Singh (petitioner) was the owner of the tractor in question and Jaswinder Singh, son of Bir Singh, thereafter, started the said tractor and allegedly warned Gurcharan Singh to move out of the way or he would be run over. Thereafter, it is alleged that he drove the tractor over Gurcharan Singh, following which all the accused persons fled from the scene. Subsequently, the complainant along with one Gurcharan Singh attempted to take Gurcharan Singh to the hospital, however, he succumbed to his injuries and was declared brought dead. Accordingly, appropriate legal action was sought against the aforesaid persons. Since, the perusal of the aforesaid statement prima facie revealed the commission of offences under Sections 302, 379, 34 IPC and Sections 4(1), 21(1) Minerals Act, therefore, case/FIR No. 6 (supra) was registered against the aforesaid accused.”

4. The petitioner's counsel seeks bail on parity with co-accused Virender Singh and Sandeep Singh who were granted bail by Coordinate Bench of this Court vide a common order dated 22.03.2024 passed in CRM-M-5305-2024 and Gurjeet Singh @ Jeeta who was granted bail by this Court vide order dated 13.05.2025 in CRM-M-18374-2025. He further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail on the ground of parity and refers to following portion of the reply, which reads as follows:-

“H) Whether petitioner is entitled to bail on parity with his co-accused or not?”

That the petitioner is not entitled to bail on parity with his co-accused as the petitioner is the main accused in the present case, who not only engaged in illegal mining activities but also called his accomplices/goons, who ran over the tractor trolley of the petitioner over the deceased

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Gurcharan Singh as he was stopping the petitioner from taking away the tractor trolley being used for illegal mining. It is submitted that due to the acts and conduct of the petitioner, the deceased Gurcharan Singh has lost his life. Thus, the petitioner deserves no leniency from this Hon'ble Court. Moreover, there is no change in circumstances since, the dismissal of the earlier 2 bail applications of the petitioner from this Hon'ble Court vide orders dated 22.03.2024 and 30.07.2024, which were passed after the bail applications of the co-accused were allowed. Thus, no cause of action has arisen in favour of the petitioner to approach this Hon'ble Court by way of filing the present petition."

REASONING:

6. Perusal of the entire evidence clearly shows that petitioner was the main accused, who owns the tractor in question. For this purpose, it would be appropriate to refer to following portion of the reply, which reads as follows:-

"VIII. That thereafter, during investigation, the ownership of the motorcycle bearing registration No. PB-70-G-6178, which was used in the commission of the offence was verified and it was found to be registered in the name of Harwinder Singh @ Gaggi. Similarly, the ownership of the tractor bearing registration No. HR-01-AC-9693 was also verified, and it was found to be registered in the name of Ram Kumar. Ram Kumar was subsequently associated in the investigation, and it was found that he had sold the tractor to Jaswinder Singh @ Kala son of Chajju Singh (petitioner), on 17.09.2022. In this regard, a sale agreement was also produced by Ram Kumar, which was taken into police possession, in accordance with law."

7. The role of the other accused was on lesser footing. It is the petitioner against whom there is clinching evidence that he ran over the tractor over Gurcharan Singh who tried to stop him from illegal mining. Thus, petitioner is not entitled to bail on parity.

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. The petitioner's custody of around 02 years & 05 months cannot be termed prolonged, given the minimum sentence prescribed for the offense.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

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11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

15.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.