



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

**CRM-M No.30936 of 2025 (O&M)
Reserved on :13.08.2025
Pronounced on: 19.08.2025**

Gurmail Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Ms. Monita Mehta, Advocate and
Ms. Nidhi Dhiman, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

Mr. J.S.Ghumman, Advocate for the complainant.

SURYA PARTAP SINGH, J.

1. This is first application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, filed by the petitioner who is in custody for a period of one year 8 months and 26 days. The petitioner has claimed the benefit of bail by pleading that he is innocent and not involved in the commission of crime and that he has been falsely implicated in this case.

2. The record has been perused which shows that a FIR came into being for the commission of offence punishable under Sections 302, 307, 323, 324, 325, 148 and 149 IPC registered at Police Station Lohiyan, District Jalandhar. Initially, the FIR was lodged for the commission of offence punishable under Section 307 IPC. However, later on when Sanotkh Singh passed away, Section 302 was added.

3. The above mentioned FIR was an outcome of a complaint



submitted by Balwinder Kaur wherein she had stated that in the afternoon of 11.11.2023 at about 3.00 P.M. her husband Santokh Singh, who had returned from Italy, had gone to the fields to plant mustard. According to complainant after sometimes she notice a commotion in the field and, therefore, she along with her son Sarabjit Singh rushed to the field where they saw that Manpreet Singh, Kulwant Singh, Karnail Singh, Bakshish Kaur and Mandeep Kaur carrying sticks (dang), Baljinder Kaur, Amarjit Kaur and Sarabjit Kaur carrying baton (sota) and Gurmail Singh carrying chopper (gandasi) had attacked her husband Santokh Singh and they were inflicting injuries on his person. The complainant while giving the detail of injuries inflicted by Kulwant Singh, Manpreet Singh and petitioner Gurmail Singh further stated that Manpreet Singh had inflicted injury with the help of blunt weapon on the left leg of her husband, Gurmail Singh with the help of Chopper (gandasi) on his hand and Kulwant Singh with the help of blunt weapon on his stomach.

It was further detailed by the complainant that they rescued Santokh Singh from the clutches of assailants and shifted him to the hospital where he passed away.

4. Heard.

5. It has been argued by learned counsel for the petitioner that in the present case two co-accused namely Sarabjit Kaur and Bakshish Kaur have already been extended the benefit of bail. According to learned counsel for the petitioner the copy of *post mortem* report is available on record and the opinion of doctor with regard to cause of death (Annexure P-6) shows that the cause of death of Santokkh Singh was injury on his vital organ i.e. liver and such injury, which was anti mortem in nature, was sufficient to cause death in ordinary



course. He has further argued that the weapon of offence attributed to the petitioner vis-a-vis injury caused by him was simple in nature and not responsible for the death of Santokh Singh.

6. It has also been argued by learned counsel for the petitioner that falsity of the allegations contained in the FIR, is reflected from the fact that in the FIR injuries have been attributed to 9 accused whereas in the investigation it has been found that only 4 persons were involved in the incident. According to learned counsel for the petitioner a cross version has already been launched at the instance of accused Sarabjit Kaur, for the commission of offence punishable under Sections 323 and 324 IPC.

7. According to learned counsel for the petitioner, the petitioner has already suffered sufficient incarceration for being in custody for a period of 1 year, 8 months and 26 days, and that investigation in this case is already complete and nothing is left to be recovered from the possession of accused and the trial is not likely to be concluded in the near future. On the abovementioned grounds the learned counsel for the petitioner has argued that the petitioner is entitled for the benefit of bail.

8. Per contra, learned State counsel has argued that the petitioner was a member of an unlawful assembly, the common object of which was to cause death of Santokh Singh, and, therefore, merely because fatal injury has not been attributed to the petitioner, he cannot be absolved from his responsibility of causing committing murder of Santokh Singh. Learned State counsel has further argued that there are very specific categorical and direct allegations against the petitioner who was carrying the most dangerous weapon at the time of commission of offence and that release of the petitioner on bail will be



detrimental to the proper outcome of the trial. As per learned State counsel in view of abovementioned factors the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. Having given due consideration to the facts and circumstances of the case and the arguments addressed, in my considered opinion, in the present case for the decision of present bail application, following are the relevant factors which need consideration: -

1. that the petitioner is already in custody for a period of 1 year 08 months and 26 days;
2. that the injury which was responsible for the death of Santokh Singh has not been attributed to the petitioner;
3. that investigation in the present case is already complete and nothing is left to be recovered from the possession of accused;
4. that the trial is not likely to be concluded in near future;
5. that benefit of bail has already been accorded to co-accused about one year back;
6. that detaining of the petitioner in the judicial lock up is not likely to serve any purpose;
7. that the custody certificate shows that the petitioner has no criminal history.

11. If the cumulative effect of all the above mentioned factors, involved in the instant case, is taken into consideration, I am of the considered opinion that the detention of petitioner behind the bar is not likely to serve any purpose the petitioner is entitled for the benefit of bail.

12. Accordingly, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court. In case, the trial Court is not available, the



learned Sessions Judge would be at liberty to assign the abovesaid case, for the abovesaid purpose, to any other Court.

13. It is however made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on:19.08.2025

Manoj Bhutani

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