

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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(1)

CRM-M-41951-2023

Date of decision: 01.09.2023

Harmanpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

(2)

CRM-M-42317-2023

Date of decision: 01.09.2023

Jasbir Singh @ Jassi @ Babbu

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present : Mr. Umaid Singh Mann, Advocate  
for the petitioner in CRM-M-41951-2023.

Mr. Jagjeet Singh, Advocate  
for the petitioner in CRM-M-42317-2023.

Mr. Amit Rana, Sr. DAG, Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0024 dated 18.03.2020 under Sections 302, 307, 450, 427, 336, 506, 148, 149, 120-B of the IPC and Sections 25, 27, 29, 54, 59 of the Arms Act, 1959 registered at Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioners inter alia contend that false implication of the petitioners in the crime in question is evident from the fact that while stepping into the witness box all the material witnesses including complainant Amarjit Singh as well as injured

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Narinder Kaur did not support the case of the prosecution as a result of which they were declared hostile. In support, learned counsel have drawn the attention of this Court to Annexures P-9 and P-10 annexed with CRM-M-42317-2023 which are statements of both the material witnesses before the Trial Court. It has been further submitted that even as per the contents of the FIR which has been annexed with the petitions, the petitioners were not named in the FIR in question nor was there any role attributed to them in the crime in question. Still further, it has been submitted that petitioner Harmanpreet Singh came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Karamjit Singh @ Karan, Justin @ Jassa and Amit wherein they stated that the weapon of offence had been provided to them by him. Learned counsel have submitted that it was a matter of record that the above co-accused, on whose disclosure statement petitioner Harmanpreet Singh came to be nominated as an accused, had since been extended the concession of bail by this Court vide orders dated 02.05.2023, 22.03.2023 and 28.07.2023 respectively. It has been further submitted that name of petitioner Jasbir Singh @ Jassi @ Babbu came to the fore in the supplementary statement recorded by the complainant and that too after 20 days of the occurrence in question; even therein no role, much less any injury, had been attributed to him other than his presence which was shown at the time of occurrence in question.

3. Learned counsel, therefore, submit that in the above facts and circumstances, when no role much less fatal injury had been attributed to the petitioners, coupled with the fact that all the material

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witnesses stood examined and had turned hostile during trial, further incarceration of the petitioners would serve no useful purpose moreso as 33 prosecution witnesses out of the 43 cited, still remained to be examined.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Swaran Singh, has not been able to dispute that the petitioners were not named in the FIR in question nor was any role attributed to them in the crime in question. Learned State counsel, however, submits that the weapon of offence had been provided by petitioner Harmanpreet Singh to the co-accused with which they shot dead Jasbir Kaur and injured Narinder Kaur. Learned State counsel, on further instructions, however, has not disputed that all the material witnesses including the complainant, who allegedly witnessed the occurrence in question as well as Narinder Kaur, stamped witness, had not supported the case of the prosecution as a result of which they were both declared hostile.

4. On a pointed query put to the learned State counsel qua the criminal antecedents of the petitioners, he has informed the Court that petitioner Jasbir Singh @ Jassi @ Babbu is not involved in any other criminal case, however, petitioner Harmanpreet Singh is involved in a number of criminal cases. In support, learned State counsel has placed on record custody certificate of petitioner Harmanpreet Singh wherein the said fact stands reflected. Learned State counsel has, however, not disputed that petitioner Harmanpreet Singh is in custody in most of the cases which stand registered against him.

5. I have heard learned counsel for the parties and perused the

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material placed on record.

6. The case in hand is based on eye witness account. Both the material witnesses in the case in hand not only stand examined but have admittedly not supported the case of the prosecution as a result of which they were declared hostile. The trial would take considerable time to conclude as 33 prosecution witnesses still remain to be examined, therefore, further incarceration of the petitioners in the case in hand would serve no useful purpose as they have been in custody since 26.04.2023 and 29.05.2020 respectively. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners.

6. Accordingly, the instant petitions are allowed. The petitioners be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

01.09.2023

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(MANJARI NEHRU KAUL)  
JUDGE

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