



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

CRM-M No.3806 of 2024
Date of decision: 12th September, 2024

Akashdeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.18 dated 10.02.2020 under Sections 302 and 120-B read with Section 34 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Beas, District Amritsar Rural.

2. Learned counsel for the petitioner submits that although it is a case resting on eye-witness account, however, a perusal of the FIR, which has been annexed as Annexure P-1, reveals that neither was he named therein nor any description given by the complainant (father of the deceased) qua the alleged assailants including the main accused, who allegedly gunned down his son Sukhmanpreet Singh on the fateful day; however, subsequently, during investigation of another criminal case, which stood registered against the petitioner, the latter allegedly confessed to his involvement in the occurrence in question, in which the



deceased Sukhmanpreet Singh was gunned down. Learned counsel has submitted that the confession allegedly made before the police officials in another criminal case is hit by the Evidence Act. It has also been submitted that even as per the case of the prosecution, it was not the petitioner who had gunned down the deceased, but it was co-accused Hardeep Singh, who had fired the fatal shots at the deceased. It has still further been argued by the learned counsel that even assuming for the sake of arguments, though not conceded, that the petitioner was indeed accompanying the co-accused Hardeep Singh, other than his presence being shown along with the prime accused Hardeep Singh, no role, much less lalkara, had also been attributed to him. Learned counsel has still further argued that even motive to murder the deceased had been attributed to co-accused Sukhjinder Singh and not to the petitioner and hence, there was no occasion, in the circumstances, for the petitioner to accompany the co-accused to the place of occurrence. Learned counsel has further argued that even though the petitioner has now been in custody since 18.04.2020, the trial has not made much headway as, on date 7 prosecution witnesses still remain to be examined; the sole material witness in the present case, i.e. the complainant, already stands examined and hence, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert that the FIR in question was lodged against



unknown assailants by the father of the deceased, who witnessed the crime. However, it has been argued by the learned State counsel that the petitioner was accompanying the main accused Hardeep Singh along with 2 others at the time of the alleged occurrence. Learned State counsel has also submitted that it was the petitioner himself, who spilled out the beans qua his involvement in the crime in question.

4. On a pointed query put to the learned State counsel, he has not been able to controvert, on instructions, that other than the petitioner's presence being shown with the prime accused Hardeep Singh, no role much less injury had been attributed to him. On further query put to the learned State counsel as to whether the petitioner was armed with any weapon, he on instructions, has replied in the negative. However, learned State counsel, has drawn the attention of this Court to the criminal antecedents of the petitioner, who is stated to be involved in 5 other criminal cases.

5. I have heard learned counsel for the parties and perused the relevant material on record including the contents of the FIR, which stands reproduced hereunder:

“Statement of Manjit Singh son of Sadhu Singh Gulshan, Caste Jat, resident of Patti Narangpur Butala, District Amritsar aged about 59 years. Stated that that I am resident of above mentioned address and I am retired from Amritsar Corporation. I have two sons. Elder one is Harmanpreet Singh aged 28 years who is working as Ahlmad in the Courts at Baba Bakala Sahib. younger to him is Sukhmanpreet Singh aged 24 years who has done



course of ETT and Footware and has come from Canada for the last 7-8 months and is now doing the house hold work. On 09.02.2020 my son Sukhmanpreet Singh alongwith his friends in the marriage ceremony of son of Inderpal Singh resident of Gagrewal in his Scorpio vehicle bearing No. PB-89-9001 color black and went at Jamba Palace G.T.Road Dhilwan. On 10.02.2020 at about 12:30/ 12:45 A.M. at night time he came back to his house on his vehicle. When he was parking his vehicle after opening the main gate, then some unidentified persons came in a vehicle and fired shots towards my son Sukhmanpreet Singh who was sitting in his Scorpio vehicle which bullet hit in his chest and then those persons ran away from the spot in their vehicle. My son Sukhmanpreet Singh entered the house in injured condition and immediately on coming fell on the courtyard and has expired. Then we after arranging for the vehicle took him at Civil Hospital, Baba Bakala but he had died. I have leave my elder son Harmanpreet Singh and relatives near the body of my son Sukhmanpreet Singh with relative to come to inform you that you have met us. Action be taken.”

6. It is a case of blind murder; as not disputed, the petitioner was neither named in the FIR in question nor any suspicion raised qua his involvement in the crime; he came to be nominated subsequently and that too, as per the learned State counsel, on a confession made by him before the police qua his involvement in the present occurrence. This Court would refrain from commenting upon the evidentiary value of the



alleged confession made before the police, at this stage, and it would be best left to the learned trial Court to appreciate the same along with the evidence, which would be presented before it during trial. Though the petitioner is stated to be involved in some other criminal cases, however, in the present case, the petitioner has been in custody for almost 4 ½ years and the trial has not yet concluded, coupled with the fact that there is also no possibility of it concluding in the near future. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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 here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

September 12, 2024
rps

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