



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-25961-2024
Date of decision: 29.10.2024

VISHAL SINGH

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Karanjit Singh, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.158 dated 11.12.2020 under Sections 302, 148, 149 of the IPC (Section 120-B of the IPC added later on) registered at Police Station Division No.2, District Police Commissionerate, Jalandhar.

2. On the last date of hearing the following order was passed:

“Learned State counsel, on instructions from ASI Kuldeep Singh, has not disputed the submissions made by learned counsel for the petitioner that the complainant who was the star witness in the present case has since expired after being partly examined. However, it has been submitted by the learned State counsel, on further instructions, that one other eye witness to the occurrence in question is due to be examined on the next date of hearing i.e. 20.09.2024.

In the circumstances, the case is adjourned to 29.10.2024.

The trial Court is directed to record the evidence of PW-Ajay Kumar, positively before the next date of hearing fixed before this Court.”



3. Learned State counsel, on instructions, has not disputed the submissions made on the previous date of hearing that the complainant who also allegedly witnessed the crime in question had expired. It has been further submitted that PW-1 Ajay Kumar, who was another material witness and had allegedly witnessed the occurrence in question had also been examined before the trial Court.

4. Learned counsel for the petitioner has placed on record the deposition of PW-1 Ajay Kumar and has submitted that the said witness while deposing before the trial Court had not supported the case of the prosecution as a result of which he was declared hostile. Hence, it is evident that the petitioner is innocent and has been falsely implicated in the present case for which he deserves to be extended the concessions of bail more so when he has now been in custody close to four years having been arrested on 11.12.2020.

5. Learned State counsel, on the other hand, has opposed the prayer and submissions made by the counsel opposite, on instructions, by reiterating the allegations levelled against the petitioner in the FIR in question which has been annexed as Annexure P-1 and is being reproduced herein-under:-

“Statement of Sawaran Singh son of Gurdev Singh resident of H.No. 22/4, Sangat Singh Nagar, Jalandhar. Stated that I am the resident of the above said address and I work at District Courts Jalandhar with Advocate Sh. Rajiv Garg. We have a Gurudwara Sahib Baba Sangat Singh in our Mohalla and one of the gate of the Gurudwara Sahio opens towards the Mohallan Sangat Singh Nagar. Me and my son namely Amandeep Singh were present at their home then we came to know that the locks of the gate of



*Gurudwara Sahib has been broken. In the meanwhile one Ajay Kumar son of Surinder Kumar resident of our Monalla came to our house and thereafter my son Amandeep Singh and Ajay Kumar both went towards the Gurudwara Sahib on in Activa and I left behind them upon my motorcycle. When I reached near the Gurudwara Sahib then it was approximately 09:30 PM. then I saw Paramjeet Singh son of Gopal Singh who lives in the Gurudwara Sahib of our Mohalla and his son Preet Nity, Jeevan and Anmol son of Jaspal Singh residents of Sangat Singh Nagar, Jalandhar who are his nephews and **Vishal** son of Naresh kumar @ Pappu resident of 8/16, Sangat Singh Nagar, Jalandhar, who is son-in-law of Paramjeet Singh, and Varun @ Tarun and few other unknown persons causing injuries upon my son Amandeep Singh and Ajay Kumar. Then in the meanwhile, as I was watching them, **Vishal** Singh @ Nihang son of Naresh Kumar Pappu took out the holy Kirpan which he was wearing and used the same upon the neck of my son namely Amandeep Singh, whereas the remaining persons were holding Kirpans and Datar in their hands. They all were raising Lalkaras that Amandeep Singh has been taken care of. When I raised the alarm, then all these persons along with their respective weapons ran away from the spot. Thereafter, I arranged for vehicle and took my son Amandeep Singh in an injured condition to Tagore Hospital Jalandhar. Ajay Kumar was with me only when the concerned doctor informed US that. Amandeep Singh has already expired. The dead body of my son is already lying inside the hospital. I have recorded my statement to you. Appropriate legal action may kindly be taken. Sd/- Swaran Singh.”*

However, as already observed earlier and not disputed by the learned State counsel, PW-1 Ajay Kumar did not support the case of the prosecution resulting in his being declared hostile. It has been further submitted that after an application under Section 319 Cr.P.C was allowed by the trial Court, a *de novo* trial had commenced and as many as 21



witnesses still remain to be examined, hence the possibility of the trial concluding in the near future did not arise.

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

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds 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.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

October 29, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

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

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