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

Sr. No.220

CRM-M-41285-2024(O&M)
Date of decision : 02.09.2024

Akashdeep Singh @ Chatha @ Ghanti

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. J.S. Ghuman, Advocate, for the petitioner.

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.0144 dated 08.12.2022, under Sections 302, 216, 307, 427, 120-B, 148 & 149 IPC and Sections 25, 27, 29 & 30 of Arms Act, 1959, registered at Police Station City Nakodar, District Jalandhar Rural.

2. The facts in brief are that FIR was lodged on the statement of Harmindre Singh, as per which his son Bhupinder Singh @ Timmy had received a ransom call of Rs.30,00,000/- on whatsapp on 01.11.2022. Security was provided to Bhupinder Singh @ Timmy. On 07.12.2022, at about 8:10 a.m., Bhupinder Singh @ Timmy accompanied by his gunman constable Mandeep Singh had gone to their shop at about 8:10 a.m in his Breeza car when at about 8:15 a.m., 2-3 young boys came on a motorcycle and fired shots at both of them. Complainant ran towards the vehicle of his son and noticed bullet injuries to his son Bhupinder Singh @ Timmy as well as constable Mandeep Singh. They were taken to the hospital where

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Bhupinder Singh @ Timmy died. On 09.12.2022, constable Mandeep Singh also succumbed to the injuries.

Further, on 10.12.2022, constable Rattan Singh from video of commission of murder identified the assailants to be Manga Singh alias Geeta Singh, Kamaldeep Singh alias Deep and Khushkaran Singh alias Khushi. All the three were arrested and one pistol and four live rounds were also recovered. All these assailants also disclosed about involvement of other various persons in planning and commission of murder. On the basis of those statements, Amrik Singh, Sajan Singh, Thakur Singh, Amandeep Singh Purewal, Gurwinder Singh alias Ginda, Karan and Akash (petitioner) were nominated vide DDR No. 22 dated 14.12.2022. An XUV Car was recovered from Akash (petitioner). On completion of investigation, challan was presented and charges were framed against the accused/applicant along with other ten accused under Sections 120-B, 148, 302, 427 read with Section 149 of IPC and 212 of IPC and Sections 25, 29 and 30 of Arms Act vide order dated 15.02.2024 by the learned trial Court and trial is pending for prosecution evidence.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and he has not been named in the FIR. He submits that the petitioner has been nominated as an accused on the basis of disclosure statement of the co-accused. He has placed reliance upon order dated 21.05.2024 (Annexure P3) passed by a Coordinate Bench of this Court in CRM-M-4872-2024 titled as Gagan Gill @ Gagan Vs. State of Punjab whereby similarly situated co-accused-Gagan Gill @

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Gagan has been granted the concession of regular bail. He further submits that the petitioner has undergone custody of 01 year, 08 months and 09 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 01 year, 08 months and 09 days and there are 02 other criminal case registered against him. In one case, he has been discharged and in the other case, he is not on bail. He on instructions from SHO-Dilbag Singh submits that challan has been presented and charges were framed on 15.02.2024. He also submits that out of a total of 69 prosecution witnesses, none has been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, challan has been presented and charges have been framed, however, none of the prosecution witness has been examined till date. The only role attributed to the petitioner is that allegedly, the vehicle used in the commission of crime has been recovered from the possession of the petitioner. Similarly situated co-accused-Gagan Gill @ Gagan has also been granted the concession of regular bail vide order dated 21.05.2024 (Annexure P3) passed by a

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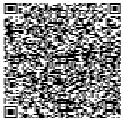
Coordinate Bench of this Court. The petitioner has undergone an actual custody of 01 year, 08 months and 09 days. Therefore, this Court is of the considered view that further incarceration of the petitioner would not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

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9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

 Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

02.09.2024

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No