



CRM-M-41404-2024

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(212)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41404-2024

Date of Decision: 12.12.2024

HARMOL SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.S. Paul, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in this 2nd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.49 dated 13.05.2019 (Annexure P-1) registered under Sections 302, 34 IPC and Sections 25-27-54-59 of Arms Act at Police Station Kiratpur Sahib District Rupnagar.

2. The present FIR came to be registered at the instance of Ram Singh son of Mangal Singh and the same reads as under:-

"Copy of statement, "Statement of Ram Singh son of Mangal Singh R/o Neela Shahpur Bela, P.S. Nurpurbedi aged about 47 years 99151-50422.

Stated that I am resident of above said address and Ex-Sarpanch of the village and do the work of agriculture. I have a son and a daughter. The elder son Sukhwinder Singh aged about 24 years, who is married, that today at about 10.30 AM my son Sukhwinder Singh went from the house towards the fields where servants were



cultivating wheat crop. That I and my nephew Satinder Singh S/o Shingara Singh R/o Haripur were present in my house, then we heard the bullet fire sound from the side of fields, then I and my nephew Satinder Singh went outside towards the fields then saw that my son Sukhwinder Singh had fallen down with his mouth on Pahi/Path near fields of Nirmal Singh S/o Jaimal Singh in unconscious condition, he we turned him around and we found that my son was shot with bullet fire below his chest, who was crying with pain. Immediately, I and my nephew picked him up and had taken him to the hospital at Singhpur then my son Sukhwinder Singh while crying in pain was repeatedly saying that Harmol Singh S/o Jasvir Singh and Jasvir Singh S/o Maha Singh residents of Shahpur Bela together have shot fire at me, and he was saying that Harmol Singh has shot the fire. That my son, while taking to the hospital, stopped speaking near Barhwan, to whom we took him to Singhpur Hospital, who was declared dead by the doctor present on the duty. That my fields and the place of incident are in the village Shahpur, P.S. Kiratpur Sahib. That with regard to the place of incident, I gave information through telephone to the police station Nurpur Bedi and P.S. Kiratpur Sahib. The reason of enmity that one/two days ago, there was argument on some pretext between my son Sukhwinder Singh & Harmol Singh. Hence due to this reason, Harmol Singh etc. have today shot my son Sukhwinder Singh with bullet, due to which my son died. Appropriate legal action may be taken against Harmol Singh S/o Jasvir Singh, Jasvir Singh S/o Maha Singh. Statement has been got recorded to you and has been read and heard over and is correct. This incident has been committed by Harmol Singh, Jasvir Singh and other unknown persons in connivance with each other by killing my son Sukhwinder Singh with bullet. I have got recorded the statement before you in my full consciousness at Singhpur Hospital in the presence of my nephew Satinder Singh. Sd/- Ram Singh.”

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3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is no eye-witness to the occurrence. As per the complainant, when he heard the shot being fired, he was present at his house along with his nephew Satinder Singh. A totally new version has been set up in the criminal complaint filed. Be that as it may, as the petitioner was in custody since 17.05.2019 and the Trial shall be conducted *de novo*, the same is not likely to be concluded in the near future and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner is the main accused. Therefore, he is not entitled to the concession as prayed for. He, however, concedes that the petitioner was in custody since 17.05.2019 and that *de novo* trial is to take place.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner has now been in custody for more than 5 ½ years. However, the Trial of the present case is not likely to be concluded anytime soon as the prosecution witnesses would be examined once again. In this situation the further incarceration of the petitioner is not required particularly when he is a first-time offender.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Harmol Singh S/o Jasbir Singh is

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ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

12.12.2024

JITESH

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