



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.50455 of 2024

Darshan Singh
... Petitioner

Versus

State of Punjab
... Respondent

2. CRM-M No.50756 of 2024

Mandeep Singh @ Mania
... Petitioner

Versus

State of Punjab
... Respondent

Date of decision: 29th November, 2024

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akashdeep Singh, Advocate for the petitioners.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 483 of the BNSS in case FIR No.277 dated 05.12.2019 under Section 302 IPC and Section 25 of the Arms Act, 1959 (Challan under Sections 302 & 120-B of the IPC and sections 25/27 of Arms Act) registered at Police Station Kharar, District Mohali. Since both these petitions have arisen out of the same FIR, they are being taken up together for disposal by way of this common order.

2. Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case without any remote connection to the alleged crime wherein Sarabjit Kaur was allegedly murdered. It is contended that the FIR was registered by the complainant, who, even as per the case of the prosecution, is not an eye-witness to the occurrence in question. Furthermore, the FIR was lodged against unknown persons. It is further submitted that after the registration of the FIR, the statement of one purported witness Gulshan Kumar, was recorded under Section 161 of the Cr.P.C. This witness identified accused Jaswinder Singh @ Shinda as the person who fired the fatal shots at the deceased.

3. It has been further asserted by the learned counsel that the name of the petitioners did not appear in the FIR, the supplementary statement of the complainant or even in the statement of any eye-witness, nor was any suspicion raised qua their involvement in the alleged crime. The only evidence collected against the petitioners by the Investigating Agency is the disclosure statement of the main accused, Jaswinder Singh @ Shinda, which carries very limited evidentiary value. It has been submitted that subsequently, Jaswinder Singh @ Shinda, upon whose disclosure statement the petitioners were nominated as accused in the present case, has already been granted the concession of bail.

4. Learned counsel has also emphasized that neither the complainant nor PW Gulshan Kumar, who had identified Jaswinder Singh @ Shinda as the prime accused, supported the case of the

prosecution during their examination before the trial Court. It is submitted that the petitioners have been in custody since 23.12.2019; while all material witnesses have been examined, 19 prosecution witnesses remain to be examined, making it unlikely that the trial will conclude in the near future.

5. Per contra, learned State counsel has opposed the prayer and submissions made by the learned counsel for the petitioners. However, learned State counsel, on instructions, has not disputed the custody period of the petitioners and the stage of the trial. Learned State counsel has submitted that after the registration of the FIR in question, the complainant provided a supplementary statement alleging that his deceased daughter was in a live-in relationship with accused Harwinder Singh and had a daughter from that relationship. Harwinder Singh subsequently married Karanjit Kaur, following which he began extending threats to the deceased.

6. Learned State counsel has also contended that the complainant had raised suspicion regarding the involvement of co-accused Harwinder Singh and his mother in the crime at the very first instance while recording his statement under Section 161 of the Cr.P.C. Additionally, accused Jaswinder Singh @ Shinda elaborated on the roles of the petitioners in the crime during his disclosure statement to the effect that petitioner Mandeep Singh being the brother of Karanjit Kaur, had a motive to eliminate the deceased.

7. In response to a specific query, the learned State counsel on instructions, could not dispute that both the complainant and PW

Gulshan Kumar had failed to support the case of the prosecution during their deposition before the trial Court. The State also was unable to deny, on instructions, that the main accused Jaswinder Singh @ Shinda, upon whose disclosure statement the petitioners were nominated as accused, had already been granted the concession of bail by this Court.

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

9. The petitioners have been in custody since 23.12.2019; both the material witnesses including the complainant and the alleged eye-witness not only stand examined but, as not disputed by the learned State counsel, did not support the case of the prosecution. The prosecution evidence is still underway. The trial is therefore, unlikely to conclude in the near future.

10. In the facts and circumstances as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioners. Accordingly, both the present petitions are allowed and the petitioners are 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.

(MANJARI NEHRU KAUL)
JUDGE

November 29, 2024
rps

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