



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

CRM-M-51058-2024

Date of decision: 13.12.2024

Tirath Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail in a criminal case having FIR No.107, dated 05.06.2024, registered under Sections 307, 34 IPC and Section 25/27 of Arms Act and Sections 302, 120-B IPC were added later on, at Police Station Sultanpur Lodhi, District Kapurthala.

2. The present case is relating to murder of Sewa Singh which took place on 05.06.2024. During investigation, the petitioner was arrested by the police.

3. The counsel for the petitioner *inter alia* submits that the petitioner who was not named in the FIR was later on falsely impleaded as accused on the basis of supplementary statement suffered by Kulwinder Singh brother of the deceased. It is further submitted that the said supplementary statement was recorded after more than one month of the alleged occurrence. It is further submitted that no injury muchless fatal



injury is attributed to the present petitioner. That as per the short reply submitted by the State, fatal gun shot was fired by co-accused Gurpreet Singh @ Gopi and the only allegations against the present petitioner are that he was part of the conspiracy which was hatched by the accused persons to kill Sewa Singh. It is further submitted that it is a matter of evidence as to whether, the petitioner who was having no previous enmity with Sewa Singh, was part of the alleged conspiracy. It is further submitted that during investigation, no incriminating article was recovered at the instance of the petitioner. It is further submitted that after completion of investigation, police has presented the challan, but trial has not commenced till date. So, prayer is made that the petitioner be released on bail, pending trial.

4. Short reply by way of an affidavit of Gurmeet Singh, Deputy Superintendent of Police, Sub Division, Sultanpur Lodhi, Kapurthala filed on behalf of the State is taken on record along with the custody certificate of the petitioner.

5. The present petition is resisted by the State counsel who on instructions from ASI Jarnail Singh submits that all the accused including the present petitioner entered into a conspiracy to kill Sewa Singh. It is further submitted that Sewa Singh was attacked by the accused persons and co-accused Gurpreet Singh @ Gopi fired gun shot which resulted in death of Sewa Singh. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than five months and that the trial is at its initial stage.

6. I have considered the submissions made by counsel for the parties.



7. As per the short reply filed on behalf of the State, it appears that the present petitioner is charged under Section 120-B IPC being part of the conspiracy hatched to kill Sewa Singh. As per the said short reply, it was co-accused Gurpreet Singh @ Gopi who fired fatal gun shot which resulted in death of Sewa Singh. The petitioner was not named in the FIR and was later on nominated as accused on the basis of statement suffered by brother of the deceased. The petitioner is in custody for the last more than five months and during investigation, no fire arm or incriminating article was recovered at the instance of the petitioner who is presently lodged in judicial custody. Admittedly, the trial is at its initial stage. The exact complicity of the present petition will be unfolded during the trial. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.12.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**