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

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RASHA**CRM-M-5657-2025****Date of decision: 06.11.2025****....Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present : Mr. S.K. Sharma, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. Present (second) petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.159 dated 13.09.2023, under Sections 302 and 34 of IPC, registered at Police Station Dugri, District Ludhiana.
2. The present case was registered on the basis of statement given to the police by Khushwant Singh @ Ricky with the allegations that his younger brother Gagandeep Singh is a property dealer and had gone out of the house on 09.09.2023 at 2:00 pm and when he did not return, they presumed that he has gone to meet his friends. On 10.09.2023, they searched for him and later on, they came to know that on 09.09.2023, one Sunny (co-accused) had taken Gagandeep Singh along with him to the shop of Shafik, scrap dealer, where his brother was murdered by said Shafik, Sunny and Rasha (petitioner) and thereafter, his dead body was thrown in the canal. He alleged that few days ago, an altercation had taken place between Gagandeep Singh and Shafik, scrap dealer, regarding purchase of some material. His brother also used to ask Shafik not to purchase



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stolen articles and his brother had also informed him in this regard and due to this grudge, all of them have committed his murder. After registration of FIR, matter was investigated. The dead body was recovered and it was found that all the accused after hatching in conspiracy had committed the murder of Gagandeep Singh and disposed off the dead body. Petitioner was arrested on 20.09.2023. After completion of investigation, challan was presented on 12.12.2023 for trial of accused.

3. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

4. Learned counsel for the petitioner argued that this is the second bail application moved by the petitioner, as the first application was rejected vide order dated 22.10.2024, primarily on the ground that petitioner has not placed on file the final report along with bail application and the custody of the petitioner is of one year and one month, which cannot be termed as prolonged custody but he was given liberty to file bail application after change in circumstances. Learned counsel further contended that petitioner is now in custody for the last more than two years. The petitioner has been named in the FIR only on the basis of suspicion and no direct evidence of the murder is available. Nothing was recovered from the possession of the petitioner, whereas, weapon of offence was recovered from co-accused Shafik and vehicle was recovered from co-accused Sunny. Out of total 11 prosecution witnesses, only 03 witnesses have been examined till date. The trial is likely to take some more time to conclude and in view of his prolonged incarceration, petitioner is entitled to be released on bail.

5. On the other hand, learned State Counsel has opposed the bail and



argued that petitioner has committed a heinous offence and in view of the gravity of the offence, petitioner does not deserve the concession of bail.

6. The petitioner has been named as an accused only on the basis of suspicion and no one had seen the deceased going in the company of co-accused Sunny. There is no direct evidence of the murder. Weapon of offence has been recovered from co-accused Shafik and vehicle used in disposing off the dead body has been recovered from the co-accused Sunny. Nothing has been recovered from the petitioner. He is in custody since 20.09.2023. Only 03 witnesses have been examined out of the total 11 prosecution witnesses cited by the prosecution. It is well settled that pre-trial incarceration cannot be used as a tool to punish an offender and no useful purpose will, thus, be served by detaining the petitioner in custody any more.

7. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

06.11.2025
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No