

2025.PHHC.018776



222.

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

CRM-M-6380-2025

Date of decision: 07.02.2025

Gurpreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurmohan Singh Bedi, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. read with Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.18, dated 06.03.2022, under Sections 302, 307, 148, 149, 120-B of IPC and Section 25-54-59 of Arms Act, registered at Police Station Kalanaur, District Gurdaspur.

As per the FIR registered on the statement of complainant Gagandeep Singh, the case of the prosecution is as follows:

On 05.03.2022, at about 8 PM, the complainant along with Jaswinder Singh @ Happy (hereinafter referred to as 'deceased No.1') and Baljit Singh (hereinafter referred to as 'deceased No.2') was seated at an eatery. At that time, 5-6 unidentified persons with covered faces arrived,

two were armed with pistols while the other were carrying *datars* with them.

One of the assailants struck the complainant on the back of his head with the intent to kill him. The assailants wielding pistols, opened fire on deceased No.1 and deceased No.2. Deceased No.1 sustained a gunshot wound to his chest and succumbed to his injuries at the spot. Deceased No.2, who was hospitalized, died on 08.03.2022. The assailants fled away after committing the offence.

Learned counsel for the petitioner has submitted that the FIR in question, annexed as Annexure P-1, was registered against unknown assailants, and the complainant did not name the petitioner at the time of its registration. No suspicion was raised with respect to the involvement of the petitioner in the crime in question. Rather suspicion was raised regarding co-accused Ranjit Singh's involvement in a supplementary statement made by the brother of the deceased on 07.03.2022, two days after the alleged occurrence. During investigation, as per the case of the prosecution, it came to light that the petitioner was one of the other persons, who were accompanying co-accused Ranjit Singh. Following this, the petitioner was arrested on 18.04.2022.

The prosecution relied upon the statement of one PW-Baljit Singh recorded under Section 161 Cr.P.C. on 13.03.2022, wherein he alleged that after the occurrence in question, he saw co-accused Ranjit Singh removing his muffler and fleeing the spot. It has been argued that

despite being present when the police arrived immediately after the incident, PW-Baljit Singh did not make any statement at that time. Furthermore, even as per the case of the prosecution, PW-Baljit Singh was not acquainted with any of the accused, making his delayed statement under Section 161 Cr.P.C. highly questionable. It has also been submitted that the disclosure statement on the basis of which the petitioner was nominated as an accused in the present case carries limited evidentiary value. Furthermore, the motive to commit the crime has been attributed to co-accused Ranjit Singh; no such motive has been attributed to the petitioner.

A prayer has, therefore, been made that since the petitioner has now been in custody for close to 03 years having been arrested on 18.04.2022 and with only 01 out of the 33 prosecution witnesses examined, the trial is unlikely to conclude in the near future.

Learned State counsel, on the other hand, has opposed the prayer and submissions made by the counsel opposite and drawn the attention of this Court to the allegations levelled in the FIR (Annexure P-1), which stands reproduced hereinunder:-

“Statement of Gagandeep Singh son of Mangaljit Singh r/o Bhandwa, P.S. Kalanaur aged about 41 years, stated that I am resident of above mentioned address and I have passed MSc/IT and now doing the work of agriculture. On 05.03.2022, me and my friend Jaswinder Singh @ Happy son of Shangara Singh, r/o Shahpur, P.S. Ghuman Kalan, Daljit Singh son of Jagir Singh, r/o Khosian, P.S. Surat Kotli Malli were sitting at Ninda Chicken Corner Adda Wadala Bangar and having chicken and I was sitting with my back towards the door and my friend Jaswinder Singh @ Happy and Daljit

Singh were sitting towards their face in front of door and 3-4 persons were also having chicken inside the shop. It was about 8 p.m., that suddenly 5-6 unidentified persons came there who have muffled their faces and out of which 2 unidentified persons were having pistol in their hands and remaining persons were dattar. Out of which one unidentified person fired a shot towards me, towards backside of my head and the person having pistol started firing towards my friend Jaswinder Singh @Happy son of Shangara Singh r/o Shahpur and Daljit Singh s/o Jagir Singh 7/0 Khosian which hit Jaswinder Singh @ Happy on his chest and Daljit Singh on his right side of waist and both of them fell down on the ground. The unidentified persons gave datar blow on Daljit Singh while he was lying on the ground, I raised alarm 'maar ditta' 'maar ditta' then the unidentified persons ran away along with their respective weapons, in the meantime many persons gathered there and in the meantime my uncle Lakhwinder Singh son of Rupinderjit Singh came to the spot who got me admitted at Escort Hospital, Amritsar where I am under treatment, where I came to know that my friend Jaswinder Singh @ Happy s/o Shangara Singh had died because bullet injury and my another friend Daljit Singh son of Jagir Singh r/o Khosian are admitted at Amandeep Hospital, Amritsar. Action be taken against the persons who murdered my friend Jaswinder Singh @ Happy and caused injuries to me and my friend Daljit Singh. Statement heard which is correct. Sd/Gagandeep Singh Attested Rupinder Singh Inspector, P.S. Kalanaur dated 06.03.2022.”

It has been submitted that no doubt, the petitioner was not named in the FIR in question, however, after one of the co-accused was arrested, he suffered a disclosure statement wherein he stated that the petitioner was also one of the assailants, who had accompanied him and participated in the two murders. The stage of trial as well as the custody period of the petitioner has not been disputed by the learned State counsel on instructions.

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

The FIR was lodged against unidentified persons and the petitioner was implicated only after one of the co-accused was arrested who then suffered a disclosure statement. The petitioner has been in custody for a considerable period of time. The trial is unlikely to conclude in the near future. PW-Baljit Singh although made a supplementary statement identifying co-accused Ranjit Singh, however, no such statement with respect to the involvement of the petitioner was made by him.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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

February 07, 2025

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