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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8052-2025
Decided on : 18.02.2025

Kashmir Singh @ Ghagga

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep S. Majithia, Advocate
for the petitioner(s).

Mr. Amandeep S. Samra, AAG, Punjab

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Kashmir Singh @ Ghagga	133	08.07.2024	103, 109, 115, 61(2), 191(3), 190, 238 of BNS, 2023 and Section 25/54/59 of the Arms Act, 1959	Kamboj	Amritsar Rural

2. Learned counsel for the petitioner (accused) submits that the occurrence took place on 08.07.2024, and on the same day, the FIR in question was registered. The deceased in the present case is Sukhdev Singh, who was the brother of the complainant, Hardev Singh.

As per the FIR, Akashdeep Singh is the main accused, who is attributed with causing a single fire shot injury to the deceased, Sukhdev



Singh. The other named accused in the FIR are Arshdeep Singh @ Aakash, Lovepreet Singh @ Muraba, Kalu, Karan, Dana, and Shinder. Additionally, the FIR also mentions that 10-11 other unknown persons were involved.

Thus, learned counsel submits that the name of the petitioner or any specific role has not been mentioned in the FIR. Further, counsel points out that it was only after two days, i.e., on 10.07.2024, that a supplementary statement was recorded of the complainant, Hardev Singh, in which he named seven more accused, namely: Sajjan, Jasandeep Singh @ Jasan, Gurdev Singh, Kashmir Singh @ Ghagga (the petitioner herein), Joban Singh, and Rohit Kumar. However, except just mentioning the name of the petitioner (Kashmir Singh @ Ghagga), neither any weapon has been attributed to him nor any specific role assigned in the supplementary statement.

Besides, counsel submits that it is unclear what source of information led the complainant to involve seven more persons in the murder case of his brother, especially when only one fire shot has been attributed to the accused Akashdeep Singh. Thus, in view of the above, learned counsel prays for the grant of regular bail to the petitioner.

3. On the other hand, learned State counsel is unable to controvert any of the factual submissions addressed by learned counsel for the petitioner and submits that after completion of investigation, challan has been submitted, however, charges are yet to be framed.

4. On being asked by the Court, there is no satisfactory reply with learned State counsel as to for what substantial reason further custody of the petitioner is going to serve any purpose to the prosecution.



5. I have heard learned counsel for the parties and gone through the record with their able assistance.

6. Considering the totality of circumstances, and the submissions addressed by both sides, and without expressing any opinion on the merits of the case, I deem it appropriate to grant the concession of bail to the petitioner.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 18, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No