



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

114+115+218

CRM-M-8801-2025

Date of decision: 17.11.2025

Deva Singh @ Jaani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Ankush Rampal, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)**CRM-44817-2025**

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. Copies of statements of witnesses examined as PW1 to P-3 as Annexures P-3 to P-5 are taken on record and exemption from filing the certified/typed copies of the same is granted.

Main Case

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No.37 dated 10.06.2023 registered against him, u/s 302, 201, 404, 34 of IPC at Police Station Lakhewali, District Sri Muktsar Sahib, has prayed for grant of bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Sarabjit Singh, son of Rasala Singh, aged about 40 years and earning his livelihood as a labourer, set the criminal law of motion by filing a complaint pointing therein that he has 4 children, 2 daughters and 2 sons. His elder daughter Kale and son Gurbinder (since deceased) are married, whereas the younger daughter Varkha and son Japu Singh are still unmarried. Gurbinder Singh was married about 4 years ago to Akki Kaur. His daughter-in-law is on family way and had gone to her parental home. Complainant next pointed out that his son



Gurpinder Singh, aged about 25 years, was involved in the illegal sale of liquor and had acquaintances with some boys from village, who used to visit them frequently. At about 07:30 P.M. on 08.06.2023, when he (C) was present at home with his family members, one Kala Singh, son of Harjinder Singh, came to his house on motorcycle and took away his son Gurpinder. The boy did not return back home. Family searched for him but to no avail. Further enquiries at their own level revealed that his son Gurpinder and Varinder Singh, son of Mahinder Singh, had together pawned Varinder's mobile phone for Rs.4000/- and had spent the money. Varinder Singh had been pressurizing Gurpinder to get his mobile phone. When Gurpinder told Varinder to pay equivalent amount, were altercation occurred. Thereafter, Varinder Singh along with Deva Singh @ Jaani (present petitioner), son of Darshan Singh and Ravinder Singh @ Kalu, son of Iqbal Singh, threatened his son to immediately get back the mobile phone or else be ready for dire consequences. Today, while searching for Gurpinder Singh, he (C) along with his younger son Japu Singh were going from Bhagsar to village Chak Madrassa, along the bank of canal, they saw a dead body floating in the drain. When they got closer, they identified the body to be that of Gurpinder Singh. He and his younger son Japu noticed several injury marks on various parts of the dead body. Towards the end, complainant alleged that the boys mentioned hereinabove namely Varinder Singh, Deva Singh @ Jaani (P) and Ravinder Singh @ Kalu have murdered his son Gurpinder.

3. On the basis of the said complaint, a formal case vide FIR No.37 dated 10.06.2023 under Sections 302, 201, 404, 34 of IPC was registered against Kala Singh, Varinder Singh, Deva Singh @ Jaani (present petitioner) and Ravinder Singh. IO visited the site and got removed the dead body, which was identified by complainant.

Inquest proceedings were conducted at the site. Body was sent



for postmortem examination to Civil Hospital, Sri Muktsar Sahib. The Board of Doctors conducting postmortem examination noticed as many as 16 injuries on the body of the deceased, 14 of which were opined to be antemortem, whereas injuries No.15 and 16 were postmortem in nature. Further, few of the injuries were opined to have been caused by sharp edged weapon, 2 by sharp pointed and 4 with blunt weapon.

The cause of death was opined as 'craniocerebral damage as a result of head injury consequent upon a sharp-edged weapon', which was sufficient to cause death. Parcels containing viscera were sent for further chemical examination (Report revealed that no poison was detected in the body of the deceased). Body was later handed over to the family members for performing last rites, statements of witnesses were also recorded.

4. Petitioner/accused, who along with other accused was specifically named in the FIR, was arrested on 10.06.2023. During interrogation, petitioner confessed to his involvement in the commission of offence. In pursuance thereof, following articles were recovered;-

- a) Ice pocker/sua with wooden handle from reeds near canal.
- b) Black purse containing photograph of deceased.
- c) Silver bracelet (kara) engraved 'Bhinder' from a cavity.

During further investigation, the father of the deceased also produced a bill of purchase of the said bracelet.

Most importantly, one Sewak Singh, son of Binder Singh, came forward and disclosed that he had seen co-accused Varinder Singh, who was armed with a 'Kappa' as also the present petitioner and other accused- Ravinder Singh, assaulting Gulpinder. Co-accused Varinder Singh gave a Kappa blow on the back side of head of Gulpinder, while present petitioner repeatedly stabbed Gulpinder on his chest with ice pocker/sua, whereas other co-accused Ravinder hit Gulpinder with a brick.

5. Petitioner/accused who was arrested on 10.06.2023 moved an



application for grant of bail before the learned Sessions Judge, Sri Muktsar Sahib. The same was dismissed vide order dated 17.12.2024. Aggrieved of the said order, the present petition has been filed.

6. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. Alleged eye witness Sewak Singh was introduced later by IO only with a view to strengthen the case of the prosecution. In fact, he did not witness any of the accused assaulting the deceased. Precisely for the said reason, when he appeared in the witness as PW-3 (copy of the testimony placed on record by virtue of CRM-44817-2025), he did not support the stand of the prosecution. Further, despite the fact that he was subjected to rigorous cross examination by learned Public Prosecutor, after he (PW3) was declared 'Hostile', nothing fruitful could be elicited there from. Continuing further learned counsel submits that though in the complaint, the father of the deceased alleged that on 08.06.2023, his son (Gurpinder Singh) was taken from home by one "Kala Singh", son of Harjinder Singh, who was also involved in the gruesome killing. However, aforesaid Kala Singh was found to be innocent during the investigation by the IO and was not challaned.

It is further the submission of learned counsel that the material witnesses of the prosecution story including the father of the deceased, at whose behest the criminal proceedings were initiated, have also been examined, thus there being no likelihood of petitioner overawing them.

Further the fact that weapons allegedly recovered at the instance of petitioner and other accused were not sent for further examination to ascertain as to whether the same bore any blood stains or finger prints etc. of petitioner and others, also raises question mark on the genuineness of the story put forth by the complainant.

The next leg of submission raised by learned counsel for the petitioner is that petitioner has been in custody since 10.06.2023. Out of 28



prosecution witnesses, only 03 have been examined, thus, possibility of completion of trial in the near future is quite remote. When viewed in the light of submissions advanced hereinabove, learned counsel prays that petitioner, whose past antecedents are quite clean (being not involved in any other criminal case), deserves a lenient view to be taken in his favour by extending him the concession of bail, for his further incarceration would not serve any useful purpose. Prayer for allowing the petition has been made.

7. Status report by way of an affidavit of Mr. Iqbal Singh, PPS, Deputy Superintendent of Police, Sri Muktsar Sahib has been placed on record. Learned State counsel submits that in view of the seriousness and gravity of offence, as also the role played by the petitioner, who was specifically named by the father of the deceased in his first version given to the police authorities, no case for grant of bail is made out. Continuing further, learned State counsel submits that the manner in which the offence was committed by petitioner and his accomplice, who after brutally assaulting Gurbinder threw his body in a drain/*Nala*, no leniency deserves to be taken in his (p) favour.

Towards the end, learned State counsel contends that in view of the contentions advanced hereinabove, simply because petitioner has been in custody since 10.06.2023, cannot be a ground in itself to grant him concession of bail, for if extended the concession sought for, there is every likelihood of petitioner fleeing from the process of justice by not appearing in the Court. Dismissal of the petition has been prayed for.

8. Both the counsel have been heard and documents on record have been perused.

9. In view of the submissions raised by learned counsel for the petitioner, but without advertng to merits of the case, taking note of the fact that father of the complainant, the eye witness, who had allegedly seen petitioner and his other accomplices unleash a brutal attack on deceased,



have been examined, as also taking note of the fact that petitioner has been in custody since 10.06.2023 and out of 28 prosecution witnesses, only 03 have been examined till date, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

In ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012(1) RCR (Criminal) 586***, Hon'ble Supreme Court upheld the order of the High Court in granting bail to the second respondent/accused on the ground that he had been in custody for a long period and the possibility of the trial being concluded in the near future was remote.

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which*



he is suspected of.

(vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

(vii) The petitioner shall not in any manner misuse his liberty.

(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

10. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

17.11.2025

Hemant

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