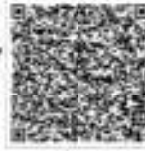


2025:PHHC:103667



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

SR. NO.229

**CRM-M-9666-2025
DATE OF DECISION:29.07.2025**

MANI SINGH NIHANG

...PETITIONER(S)

VERSUS

STATE OF PUNJAB

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Gaurav Singh Bhatti, Advocate
for the petitioner.

Mr. Ravneet Joshi, DAG, Punjab.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 483 of the BNSS with a prayer to grant the concession of regular bail to the petitioner in case FIR No.292 dated 07.12.2022 registered under Sections 302/379B and 411 IPC at Police Station Malout, District Sri Muktsar Sahib.

2. The FIR in the present case was registered on the basis of statement made by Sukhwinder Singh and the same has been reproduced below:-

“That I am a resident of the said address and my electrical shop is in Ferozepur Cantt. I have three brothers and one sister. Elder brother's name is Davinder Singh, I am younger than him and Gurvinder Singh is younger than me and my sister is Gaganpreet Kaur. We are all married and live separately. My

father Harjinder Singh alias Jindu, who, along with Satpal, son of Bhagwan Das, son of Jagan Nath resident of Malout near Hanuman temple, leased the guava orchard of Sukhmandar Singh son of Gurdeep Singh, resident of Kingra in the amount of Rs. 2,75,000 due to which my father Harjinder Singh alias Jindu lived in a room near the garden. Then today at around 07:30, Satpal son of Bhagwan Das resident of near Hanuman Mandir Malout called me to inform that my father Harjinder Singh aged about 65 years old, has been injured by unknown persons during the night and that I should come at the scene of occurrence, so I and my brother Davinder Singh have reached the field where occurrence took place, where Satpal son of Bhagwan Das, Sukhmandar Singh son of Gurdeep Singh, resident of Kingara and some other persons are also present at the spot. When I went inside the room where father Harjinder Singh lived, I saw many injuries on my father Harjinder Singh, and they are as follows, a sharp weapon injury on the front forehead, an injury in the head with a sharp weapon and the finger of the right hand was cut and there are injuries of a sharp weapon on the left hand but inside the wrist, which caused the death of my father Harjinder Singh due to the pain of the wounds and excessive bleeding. So I along with my brother Davinder Singh and Sukhmandar Singh son of Gurdeep Singh were going to Police Station City Malout. Also when the unknown persons were going, they took away my father Harjinder Singh's motorcycle Splendor color black & blue bearing registration number PB-04-M-9594 and his mobile phone make Nokia having mobile No.95926-32945 and around Rs.5000/7000/- currency notes. Action should be taken against unknown persons as per law. I have written a statement and heard it. SD/-Sukhwinder Singh).”

3. Learned counsel for the petitioner contends that the FIR was initially registered against unknown persons. The petitioner was neither named in the FIR nor any specific role has been assigned to him. It has been

alleged that during the course of investigation, the police had recorded the statements of Kuldeep Singh and Gurpreet Singh and the petitioner was also involved after several days. Even it is highly improbable that Gurpreet Singh and Kuldeep Singh had identified the petitioner and his co-accused at night, but still did not share the details of crime with any one. He next contends that the petitioner was arrested in the present case on 13.12.2022 and is in custody for the last more than 02 years and 08 months. The petitioner is involved in one more case, but he is on bail in the said case. Still further, in the present case, charge was ordered to be framed against the petitioner on 03.08.2023 and only 03 prosecution witnesses out of total 23 prosecution witnesses have been examined so far and now the case is pending for remaining prosecution evidence. Thus, the conclusion of the trial may take quite a long time and therefore, the petitioner deserves the concession of regular bail.

4. On the other hand, a detailed status report by way of affidavit dated 01.07.2025 has been filed in Court today and the same is taken on record.

5. Learned State counsel has vehemently argued that even though the FIR was initially registered against unknown persons, however, on 07.12.2022, the police had recorded the statements of Gurmeet Singh and Kuldeep Singh under Section 161 Cr.P.C. As per the said statements, at about 11'o clock in night, the petitioner and co-accused Makhan Singh came at the place of occurrence. Makhan Singh was speaking in a loud voice and after some time, the present petitioner ran out of the room holding a blood soaked knife in his hand. Out of fear, the witnesses ran from the place of occurrence and in the night, they stopped at the Dhaba on the way and spent

the night. In the morning, they disclosed the entire occurrence to the complainant and other villagers. Learned State counsel further argued that after recording the statements of Gurpeet Singh, Kuldeep Singh and Satpal Singh, the present petitioner along with Makhan Singh, co-accused were nominated in the present case vide general diary entry No.24 dated 13.12.2022 and the petitioner was arrested. During his police remand, the petitioner made a confessional statement, wherein he disclosed that he along with Makhan Singh, co-accused committed the murder of Harjinder Singh, Jindu, using a *Khanda* (a sharp edged weapon) and in pursuance of his confession, the petitioner led the police to recover the Khanda on the same day. Thus, it is apparent that the petitioner is a main accused, who brutally murdered Harjinder Singh Jindu due to a pending dispute between them.

6. Learned State counsel further referred to the postmortem report (Annexure R-1) to contend that Harjinder Singh Jindu (since deceased) had suffered 13 serious injuries on his person and it was a case of brutal murder by the petitioner and his co-accused.

7. I have heard the learned counsel for the parties and perused the case file carefully.

8. In the present case, no doubt the FIR was initially registered against unknown persons, but during the course of investigation, the statements of Gurpeet Singh, Kuldeep Singh and Satpal Singh, all witnesses, were recorded and they had specifically stated that the petitioner was carrying a blood stained Khanda and had caused injuries on the person of Harjinder Singh Jindu (since deceased). The petitioner is the main accused in the present case. Even from the perusal of postmortem report (Annexure R-1), it is apparent that 13 injuries were caused with a sharp edged weapon

in a very cruel manner. Further, only three witnesses have been recorded by the trial Court so far and in case the present petition is allowed, the witnesses may not depose before the trial Court freely.

9. Considering the facts and circumstances of the case and keeping in view the gravity of the matter, the present petition, being devoid of any merits, is hereby dismissed.

(N.S. SHEKHAWAT)
JUDGE

29.07.2025
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO