

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

2025:PHHC:040841



(234)

CRM-M-10186-2025

Date of Decision: 25.03.2025

Rahul Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. G.S. Sethi, Advocate for petitioner.

Mr. Shiva Khurmi, AAG, Punjab with
SI Harchand Singh.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 of BNSS, in case FIR No.287, dated 29.10.2023, under Sections 302, 120-B IPC and Sections 25 and 27 of Arms Act (Sections 21(c) & 29 of NDPS Act added later on), registered at Police Station, Jandiala, District Amritsar Rural.

2. Learned counsel for the petitioner has contended that petitioner has been in custody since 19.12.2023 in a case based on eye witness account. Counsel submits that as per the allegations levelled in the FIR in question, some assailants came to the spot and fired indiscriminately at the son of the complainant, as a result of which, not only did the son of the complainant, Amritpal Singh (hereinafter to be referred as deceased no.1) but one other passer-by Kulwant Singh (hereinafter to be referred as deceased no.2) sustained fire arm injuries and succumbed to the same. Counsel has contended that the sole material witness in the present case i.e.

the father of the deceased Shamsheer Singh while stepping into the witness box as PW-1 had failed to identify the petitioner as being one of the participants in the alleged crime. Counsel submits that since the sole material witness has already been examined and not supported the case of the prosecution, further incarceration of the petitioner would serve no useful purpose as 32 prosecution witnesses still remain to be examined. In support, learned counsel has drawn the attention of this Court to the deposition of PW-1 Shamsheer Singh, which is annexed with the paper book.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has it been disputed that the sole material witness in the present case i.e. PW-1 (father of the deceased) had been declared hostile during trial. However, learned State counsel has reiterated the contents of the FIR, which stands reproduced hereinabove:-

“Statement of Shamsheer Singh son of Sohan Singh, resident of H.No. 780, Sheikhpura Mohalla, Jandiala Guru, aged about 57 years, telephone No. 80547-20942. Stated that I am a resident of the aforementioned address and I work as a tailor master and I have three children, eldest daughter is Manjit Kaur and the second was Amritpal Singh alias Sajan and the third is Ajaipal Singh. Today on 29.10.2023, there was a gathering program at the house of Vijay Kumar, President, Kissan Union, Jandiala Guru, wherein invitation was sent to us, wherein my son Amritpal Singh alias Sajan and I went to participate. At about 6 PM, my son and I were returning from the program, when we reached the T-point near Patwarkhana Road, five young men came from the front riding on 2 motorcycles and immediately on coming, they started shooting at my son Amritpal Singh. I ran behind the wall and they shot my son and Kulwant Singh son of Pyara Singh, who was

coming on the way, also got shot. Both of them fell on the ground and one unknown person wearing a headband came again and fired gunshots over my son and the accused escaped on their motorcycles. Threats to kill my son were being issued daily by Harpreet Singh alias Happy Jatt son of Ranjit Singh resident of Jandiala Guru and I am certain that my son has been killed by Harpreet Singh alias Happy Jatt, Rahul son of Sukhwinder Singh, resident of Jandiala, Gagandeep Singh alias Gaggi alias Haddi son of Ramesh Singh, resident of Jandiala, Sahil son of Sandeep Singh, resident of Jandiala in collusion with each other. I arranged a vehicle and transported my son Amritpal Singh to Amandeep Hospital Amritsar for treatment, whereby the doctor declared him dead and the injured Kulwant Singh son of Pyara Singh, resident of Sheikhupura Mohalla, was brought by his family to Shri Guru Nanak Dev Hospital. However, I came to know that he has also passed away. Legal proceedings be instituted against the accused. Sd/- Shamsher Singh, verified by Sd/-Lovepreet INSP Singh SHO, PS Jandiala, dated 29.10.2023.”

4. In addition, learned State counsel has submitted that one of the co-accused Sahil, who was nominated pursuant to a disclosure statement made by co-accused, on being arrested, was found in possession of 3 kgs of heroin as a result of which accused had also been charged for offence under Section 21(c) of the NDPS Act.

5. On a pointed query put to learned State counsel as to whether any contraband was recovered from the petitioner on his arrest on 19.12.2023, learned State counsel, on instructions, has replied in the negative.

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

7. The case of the prosecution is based on eye witness account of PW-1 Shamsher Singh. However, as not disputed by the State counsel, said Shamsher Singh did not support the case of the prosecution and was declared hostile during trial.

8. On a pointed query put to learned State counsel, it was not disputed that other than PW Shamsher Singh, there was no other material witness much less any eye witness to be examined in the present case.

9. In the facts and circumstances as enumerated hereinabove, more so when the trial is unlikely to conclude in the near future with 32 prosecution witnesses remaining to be examined, further incarceration of the petitioner would serve no useful purpose, this Court deems it appropriate to grant to the petitioner the concession of bail.

10. 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.

11. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

25.03.2025

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