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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18911-2025

Date of decision: August 12, 2025

Jobanjit Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sukhbir Maandi, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.207 dated 23.10.2024, registered for the offences punishable under Sections 103, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 25, 27 of the Arms Act, 1959, at Police Station Beas, District Amritsar (Rural).
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

“Statement of Sarabjit Singh son of Puran Singh, resident of Patti Gopi Ki, Sathiala, PS Beas, aged about 70 years, Mobile No. 98725-72033. Stated that I am resident of above said address and I have two sons whose names are Gurmit Singh and Gurdeep Singh Gokha. Upon them, Gurmit Singh is elder and living in Italy and younger Gurdeep Singh alias Gokha is a Commission Agent under the name and style Bal Trading Company, Sathiala at Dana Mandi, Sathiala. Today, on 23.10.2024, I came to my son Gurdeep Singh Commission Agent Shop at Dana Mandi, Sathiala where Satnam Singh son of Jarnail Singh resident of Sathiala also came to meet Gurdeep Singh. Then time at about 1:20 PM, my son Gurdeep Singh told to us that you were sit here, I will come after urinating on the side of Canal. After few minutes, I heard the noise of gun Shots outside then I and Satnam Singh came outside in hurry and saw that my son Gurdeep Singh was lying on the ground smeared with blood due to gunshots injury. On

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raising alarm, three unknown persons run away from the spot along with their respective weapons on a Motorcycle from the side of Canal. Then I and Satnam Singh arranged the vehicle and took Gurdeep Singh to Civil Hospital Baba Bakala Sahib where Gurdeep Singh was died during the Check Up by Doctor and Doctor declared him dead. I along with Satnam Singh coming before you to inform you leaving behind Hardeep Singh son of Charanjit Singh resident of Sathiala in Civil Hospital, you met us. The unknown three persons killed my son Gurdeep Singh by fired shots, legal action be taken against them. Statement got recorded, found correct.”

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel further argued that the petitioner is in custody since 09.11.2024. Learned counsel has further iterated that prime prosecution case set up against the petitioner is that he had harboured main accused, who had actually committed the murder. Learned counsel has further iterated that similarly placed co-accused, namely, Varinder Singh has already been extended the concession of regular bail by this Court, on 01.05.2025 passed in **CRM-M-21946-2025**. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 09.08.2025 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The present petitioner was arrested on 09.11.2024, whereinafter, investigation was carried out and the challan was presented on 05.02.2025. Total 35 prosecution witnesses have been cited, but none has been examined till date. It is thus, indubitable that conclusion of trial will take long. The rival

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contentions raised at Bar give shall be gone into during course of the trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 09.08.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 08 months and 13 days. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Concerned CJM/Duty Magistrate. However, in addition

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to conditions that may be imposed by the concerned CJM /Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/ Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 12, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No