



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-18936-2025
Decided on : 22.07.2025

Akashdeep Singh @ Sona . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Kumar Yadav, Advocate
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, 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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Akashdeep Singh @ Sona	196	29.08.2024	103(1) of BNS, 2023	Kotwali Kapurthala	Kapurthala

2. As per the case of the prosecution, the FIR was registered at the instance of the complainant, Sarwan Singh @ Rohit, who, along with his brother Gurpreet Singh, claimed to be an eye-witness to the incident. It was stated that they saw their father, Onkar Singh @ Koki (aged about 50 years), being inflicted with injuries by German Singh and Harman Singh using a *datar*-type weapon. In the FIR, it was further mentioned that the accused – German Singh and Harman Singh, were identified by the complainant as being relatives of his father through their aunt (Massi). A motive was also



disclosed, i.e., the accused allegedly owed a sum of ₹80,000 to the deceased, which they had failed to repay despite repeated demands.

3. Learned counsel for the petitioner contends that the FIR was lodged on the same day of the alleged occurrence, i.e., 29.08.2024, which took place at around 08:50 PM. However, referring to the final report under Section 173 Cr.P.C., he submits that the accused named in the FIR were later declared innocent and were substituted by Navpreet Singh @ Labh and Akashdeep Singh @ Sona (petitioner herein) based on a supplementary statement recorded on 30.08.2024.

4. Learned counsel further points out that he has read out zimni orders himself to the effect that the charges were framed on 05.04.2023 and thereafter, case was fixed for recording of statements of the witnesses, however, none of the witnesses were produced, though there is list of 18 prosecution witnesses. Now the next date fixed before the trial Court is 14.08.2025.

5. On the other hand, learned State counsel is unable to dispute the factual submissions made by counsel for the petitioner or justify the circumstances under which the Investigating Officer substituted the originally named accused with the present petitioner and another person.

6. Taking note of all the circumstances narrated here-above, and after examining the same as well as hearing counsel for the parties, this Court finds that there is complete substitution, whereby the version of the eye-witness account is yet to be finalized at the conclusion of the trial, after the prosecution adduces the complete set of evidence.

Besides, it is noticeable that the petitioner has been in custody since 30.08.2024, and only one prosecution witness, as stated by learned



counsel for the petitioner, has been examined so far. Therefore, considering that the petitioner has been named in the FIR through substitution by replacing the actual named accused persons, I do not find any ground to curtail the liberty of the petitioner any longer.

Accordingly, in the totality of circumstances, I deem it appropriate to entertain the petitioner's plea for regular bail, as further custody of the petitioner is not likely to serve any useful purpose for the prosecution.

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

July 22, 2025

J.Ram

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