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

224

**CRM-M-19664-2025 (O&M)
Date of decision: 27.11.2025**

SHAFEEQ KHAN @ ShafeeqK KHAN @ SHAFIQ KHAN

....PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. D.S. Sandhu, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.159 dated 13.09.2023, under Sections 302 and 34 of IPC, registered at Police Station Dugri, District Ludhiana.

2. The present case was registered on the basis of statement given to the police by Khushwant Singh @ Ricky with the allegations that his younger brother Gagandeep Singh is a property dealer and had gone out of the house on 09.09.2023 at 2:00 pm and when he did not return, they presumed that he has gone to meet his friends. On 10.09.2023, they searched for him and later on, they came to know that on 09.09.2023, one Sunny (co-accused) had taken Gagandeep Singh along with him to the shop of Shafeeq (petitioner), a scrap dealer, where his brother was murdered by said Shafeeq, Sunny and Rasha and thereafter, his dead body was thrown in the canal. He alleged that few days ago, an altercation had taken place between Gagandeep Singh and Shafeeq (scrap dealer), regarding



- 2-

purchase of some material. His brother also used to ask Shafeeq not to purchase stolen articles and his brother had also informed him in this regard and due to this grudge, all of them have committed his murder. After registration of FIR, matter was investigated. The dead body was recovered and it was found that all the accused after hatching conspiracy had committed the murder of Gagandeep Singh and disposed off the dead body. Petitioner was arrested on 14.09.2023. After completion of investigation, challan was presented on 12.12.2023 for trial of accused.

3. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

4. Learned counsel for the petitioner contends that the present case is based on circumstantial evidence. The deceased had gone from his house on 09.09.2023 and had not returned. His family members searched for him on 10.09.2023. It has been alleged in the FIR that on 09.09.2023, deceased had gone along with co-accused Sunny to the shop of present petitioner-Shafeeq, who is a scrap dealer and the deceased was murdered by Shafeeq, Sunny and Rasha and his dead body was thrown in the canal. Learned counsel further contended that no one had seen the deceased in the company of present petitioner or Sunny and he has been named merely on the basis of suspicion. Learned counsel further contended that he is in custody since 14.09.2023. The challan has already been presented. Out of total 11 witnesses cited by the prosecution, 3 witnesses have been examined till date. Moreover, similarly situated co-accused Rasha has been released on bail by this Court vide order dated 06.11.2025 passed in CRM-M-5657-2025. The trial is likely to take some more time to conclude and in view of



his prolonged incarceration, petitioner is entitled to be released on bail.

5. On the other hand, learned State Counsel has opposed the bail and argued that petitioner has committed a heinous offence and in view of the gravity of the offence, petitioner does not deserve the concession of bail.

6. The present case is based on circumstantial evidence. The deceased had not left his home in the company of any of the accused and on the next day, it was alleged in the FIR that deceased had gone along with co-accused Sunny to the shop of present petitioner, where he was murdered by three persons namely Sunny, Shafeeq (petitioner) and Rasha and dead body was thrown in the canal. There is no direct evidence of the murder. Petitioner has been named only on the basis of suspicion and deceased was never seen in his company prior to his death. The petitioner is in custody since 14.09.2023. Only 3 witnesses have been examined out of the total 11 prosecution witnesses. The trial is thus likely to take a long time to conclude. Similarly, situated co-accused namely Rasha has already been released on bail by this Court. It is well settled that pre-trial incarceration cannot be used as a tool to punish an offender and no useful purpose will thus be served by detaining the petitioner in custody any more.

7. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

27.11.2025

Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

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