

2025:PHHC:093629



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

CRM M-21792-2025

Date of Decision:24.07.2025

Pardeep Singh @ Kharaji

...Petitioner

Versus

State of Punjab

... Respondent

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

Present : Mr. L.S. Sidhu, Advocate, for the petitioner.

Mr. Navdeep Singh, Deputy A.G., Punjab.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the instant petition under Section 483 of the B.N.S.S., 2023 with a prayer to grant a regular bail in case FIR No.66 dated 03.04.2022 registered under Sections 302 and 34 of IPC at Police Station Sadar Mansa, District Mansa.

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

“Copy of statement, statement of Lachman Singh son of Maghar Singh son of Ramditta Singh, resident of Khiala Kalan, aged about 51 years, mobile No. 70878-10132. Stated that I am resident of aforesaid address and I am an agriculturist. I, alongwith my family, am residing in

the fields of village Khiala Kalan. I have two sons. My elder son Harpreet Singh is married with Amandeep Kaur, resident of Barnala. My younger son Manpreet Singh, who was aged about 20 years, was working in the pipe factory, at Barnala Road. About 10/12 days back he had left his job at the factory and was thereafter doing household work. Yesterday night, on dated 02.04.2022, my son Manpreet Singh was present at the house. Time was about 08:00 PM. Some unknown person came outside our house on a motorcycle. He called my son. My son told us that he is going to BHANDARA at Mansa and went with that unidentified person on his motorcycle. My son Manpreet Singh did not come back home till morning. I and Roop Singh, Ex. Panch, son of Kaur Singh, resident of Khiala Kalan, while searching for my son, reached at near VAIDAN WALA TIBBA at Choti Mansa Road that my son Manpreet Singh was lying dead. He was having injury marks of sharp weapon on his neck and jaw and backside and right side of his head and on his chest and he was having injuries on other parts of his body and his left hand finger was fractured. One blood stained SOTA was lying near the dead body and it seemed that injuries were inflicted with the same. My son Manpreet Singh has been murdered by some unidentified person/persons during the intervening night of 2/3-04-2022. I have left Roop Singh near the dead body and was coming to inform you that you, along with police party, have met me on the turn of road leading from Khinda Kailan to Choti Mansa and have got recorded my statement. This murder has been committed by unidentified person persons by inflicting injuries. Such unidentified persons may be traced and

legal action may be taken. I have got recorded my statement, the same has been read out to me and is correct. I am the complainant. Action may be taken. Sâ-Lachman Singh, aforesaid, attested SI-Gurpreet Singh 80 BTRT, Sution House Officer, PS Sadar Mansa, dated 03.04.2022”

3. Learned counsel for the petitioner contends that the FIR was initially registered against unknown persons and as per the complainant, Manpreet Singh, since deceased, had gone with certain unknown persons. However, surprisingly on 04.04.2022, the complainant, who is the father of the deceased, again made a supplementary statement, wherein, he stated that on 03.04.2022, he was perplexed and bewildered due to murder of his son Manpreet Singh. Later on, he came to know that Pardeep Singh and Arshdeep Singh used to visit his son at their home and he was confidant that they had murdered him due to some reason. The petitioner was arrested on 05.04.2022 and the investigation was conducted against him. He further contends that during the course of investigation, the police had recovered a motorcycle from him whereas the motorcycle in question did not belong to him. Neither, he was registered owner nor he was the subsequent buyer of the said vehicle rather from a perusal of the registration certificate (Annexure P-8), it was clear that the vehicle was registered in the name of Jagtar Singh son of Labh Singh and he had subsequently sold the motorcycle to Gurjant Singh son of Hardev Singh vide affidavit dated 16.11.2020. Even, a *Gandasa* was also shown to have been recovered from the petitioner,

but there was no FSL report to show that the weapon of offence was used in the commission of the crime.

4. Learned counsel further submits that the petitioner was arrested in the present case on 05.04.2022 and is in custody for the last more than 02 years and 03 months. On one hand, the petitioner is in custody whereas, on the other hand, the prosecution has been able to examine only two witnesses so far. The testimony of PW1 Lachman Singh did not advance the case of the prosecution in any manner whereas PW2 Roop Singh has been declared hostile and was cross-examined by the public prosecutor. Learned counsel further contends that the petitioner is not in a position to influence the prosecution witnesses and the conclusion of the trial may take quite a long time.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner alongwith Arshdeep Singh had committed the murder of Manpreet Singh. In fact, Pardeep Singh and Arshdeep Singh took the deceased Manpreet Singh alongwith them on the pretext of attending a feast and on the way he was killed. Even, the *Gandasa* was recovered from him and there was sufficient evidence to connect him with the commission of the crime.

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

7. In the present case, the FIR was initially registered against some unknown persons. However, on the next day, the complainant made a statement that he had come to know that the petitioner and Arshdeep Singh used to visit him and Manpreet Singh, since deceased, might have left them. It is a case of circumstantial evidence and the prosecution is yet to prove the involvement of the petitioner in the crime. The petitioner is in custody for the last 02 years and 03 months and cannot be detained as an under-trial prisoner for an indefinite period.

8. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following condition:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.*
- (vii) *The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

24.07.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No