

2025:PHHC:060635



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

340

**CRM-M No.23214 of 2025
Date of Decision: 07.05.2025**

Akashdeep Singh @ Vicky ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sidhant Vermani, Advocate,
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.173 dated 01.10.2022 registered under Sections 302, 34 and 120-B of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Gharinda, District Amritsar. His first petition bearing CRM-M-58410 of 2023 had been dismissed by this Court on 20.11.2024.

2. As per the allegations on 01.10.2022, the dead body of victim Gurpreet Singh, who had left his home on 30.09.2022, was found lying near Railway Gate, Gumanpura. He had been shot by someone and had sustained bullet injuries. Initially, an FIR was registered against unknown persons but on the same day, the complainant recorded his

2025:PHHC:060635



statement alleging that the petitioner and co-accused Manpreet Singh had come to his house and had made confession that they had committed the murder of the victim. On his statement, the petitioner was nominated as an accused and was arrested on 02.10.2022.

3. It is argued by learned counsel for the petitioner that after the dismissal of the previous petition filed by him, a period of more than five and half months had passed but none of the prosecution witness has been examined so far. The trial is going at a snail's pace. The prolonged period of his custody and non-examination of any witness has extended him a right to seek release on bail. Even otherwise, there is no eye-witness to the murder of the victim and case rests upon circumstantial evidence to prove which no evidence has been adduced on record. It is, accordingly, argued that he deserves to be released on bail.

4. Mr. Vivek Sharma, AAG, Punjab has advance notice of the petition and is ready to argue the matter. It is submitted by him that there are serious allegations against the petitioner since he was named in the FIR itself by the complainant who had mentioned that the victim had left home on 30.09.2022 by informing that he was going along with the petitioner. The petitioner had also suffered extra judicial confession. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. There is no substantive or specious change in the circumstances since the date of dismissal of the previous petition for grant of bail. The prolonged period of his incarceration cannot be considered to be a ground for extending benefit of bail to the petitioner. With these broad

2025:PHHC:060635



submissions, it is urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof, he took the victim from his house on the evening of 30.09.2022. Later on, the dead body of the victim was recovered. The previous petition filed by the petitioner had been dismissed after taking into consideration all the contentions as raised therein. The only change in the circumstances as narrated by learned counsel for the petitioner is extended period of his incarceration. However, the well settled proposition of law is that the prolonged custody to an accused in delayed trial cannot be considered to be prime consideration for grant of bail in heinous crimes. There is no substantive or specious change in the circumstances. Keeping in view the above discussed facts, this Court is of the considered opinion that no ground for grant of bail is made out in favour of the petitioner. Accordingly, the petition is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

07.05.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No