



**In the High Court of Punjab and Haryana, at Chandigarh**

**Criminal Misc. No. M-26060 of 2024**

**Reserved On: 16.10.2025  
Pronounced On: 17.10.2025**

Himanshu Rajdev

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Surya Partap Singh.**

Present: Ms. Divya Sharma, Advocate  
for the petitioner(s).

Mr. Jasdev Singh Thind, Deputy Advocate General,  
Punjab, for the respondent.

**Surya Partap Singh, J.**

1. For the commission of offence punishable under Sections 302, 364, 148 & 149 of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only, the FIR No. 20 dated 11.02.2023 has been lodged in Police Station Division No.1, District Police Commissionerate, Jalandhar. The petitioner, on completion of investigation, has been challaned under Sections 302, 364, 323, 379B, 201 and 34 IPC.

2. During the course of investigation of above mentioned case, the petitioner was arrested on 13.02.2023. The petitioner is in custody since then, and therefore, for the concession of bail he has approached this Court, by virtue of present petition under Section 483 of BNSS.

3. Briefly stating the facts emerging from the record are that the

FIR of this case came into being in response to a complaint of Captain

Mohan Singh , who complained that his son Swatantarjit Singh alias Satta, aged about 35 years, was working in Sabzi Mandi, Jalandhar, and his duty was to issue slips at the entry gate, for the carts, entering the above-mentioned compound. According to complainant, Nitish Kumar Gully used to visit the above-mentioned market, and a dispute had cropped-up between him (Nitish Kumar Gully) and Swatantarjit Singh alias Satta. As per complainant, on that day, he came to know that his son had been murdered. In his above mentioned complaint, the complainant had further mentioned that he was sure that his son Swatantarjit Singh alias Satta was killed by Nitish Kumar Gully along with his partner Rahul Sabharwal and two/three other persons.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is already in custody for a period of more than 2½ years, and that the reply filed by the respondent/State itself makes it clear that firstly, the name of petitioner does not figure in the FIR and secondly, the blow, which proved to be fatal for the victim, has not been attributed to the petitioner.

6. In addition to above, it has also been contended on behalf of the petitioner that the petitioner has already suffered sufficient incarceration, and that the trial is taking place at a snail's pace. According to learned counsel for the petitioner, as many as 32 persons have been arrayed as witnesses, in its list, by the prosecution, but in the last more than 2½ years only five witnesses have been examined so far.

7. It has further been contended, by learned counsel for the petitioner, that in the present case the only evidence being relied upon by the

prosecution is the confessional statement of the petitioner which, in itself, is inadmissible in evidence as the same was recorded when the petitioner was in custody, and the above mentioned statement did not lead to discovery of any fact pertaining to the present case.

8. Per contra, the learned State counsel has argued that in the present case, the complainant himself had disclosed that his son was killed by Nitish Kumar Gully, Rahul Sabharwal and two/three other persons. According to learned State counsel, the petitioner is one amongst those 2/3 persons who have been referred by the complainant in his complaint. It has been further argued by learned State counsel that during the course of investigation, the role of the petitioner has been detected and it has been found that at the time of commission of offence, he was armed with a baseball bat and inflicted injuries on the person of deceased.

9. The record has been perused carefully.

10. A perusal of the record shows that the present case is a case wherein there is no eye witness account. However, on the basis of disclosure statement of co-accused, the petitioner was arrested and he, too, had suffered a disclosure statement wherein he confessed his involvement in the commission of crime.

11. In the above mentioned fact situation, following are the components which are relevant for the determination of the present bail petition:-

- i) that the petitioner is already in custody for a period of more than 2½ years;

- ii) that out of 32 prosecution witnesses, only five have been examined so far. Thus, the trial is not likely to be concluded in near future;
- iii) that nothing is left to be recovered from the possession of the petitioner;
- iv) that the name of petitioner does not figure in the FIR;
- v) that the only evidence against the petitioner is his confessional statement, which was recorded when the petitioner was in custody. Thus, there is a question mark with regard to admissibility of above-mentioned evidence;
- vi) that for the sake of arguments, even if the above-mentioned disclosure statement is accepted to be a gospel truth, even the blow, which proved to be fatal to the deceased, has not been attributed to the petitioner;
- vii) that detention of petitioner in the judicial lock-up is not likely to serve any purpose; and
- viii) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence or influence the witnesses.

12. If the cumulative effect of all the aforesaid factors is taken into consideration, it transpires that the present petition deserves to be allowed. Hence, the same is hereby allowed and the petitioner is admitted to bail subject to furnishing bail bonds to the satisfaction of the learned trial Court.

In case, the learned trial Court is not available, on the date of furnishing bail

bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above-mentioned purpose, to any other Court.

13. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

**(Surya Partap Singh)**  
**Judge**

**October 17, 2025**  
**“DK”**

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