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

CRM-M-25386-2025

Date of decision : 07.08.2025

Harpreet Singh @ Happy

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. B.D. Sharma, Advocate
for the petitioner.

Ms. Simran Gorla, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.118 dated 05.09.2022, under Sections 302/34 of IPC, registered at Police Station C-Division, District Police Commissionerate, Amritsar.

2. Succinctly the facts of the case are that the present case was registered on the statement complainant, namely, Jagtar Singh. It was alleged that Jaspal Singh @ Pala (deceased) was his brother. He was suspected to have relationship with one Amanpreet Kaur who was living in the same society where the accused and the complainant side were living. On account of the same, the accused side was nurturing the grudge. On 04.09.2022, which was Sunday, all the relatives were together at his parent's home at Ram Talai Chowk. They were waiting for Jaspal Singh @ Pala. When they entered the market at about 8:30 pm, they saw that Jatinder @ Rajbir Singh and Shera armed with *datar* and Happy (petitioner) and Gurjinder @ Guri both were armed with wooden stick and they were quarreling with his brother Jaspal Singh. In the meantime,



Jatinder @ Rajbir raised Lalkara to catch hold of Jaspal Singh @ Pala and then he gave *datar* blow on the back of Jaspal Singh @ Pala, due to which, he fell down. Thereafter, Shera gave *datar* blow on the head of Jaspal Singh with an intention to kill him. Happy and Gurjinder Guri started beating his brother with their sticks. On raising alarm, all of them escaped from the spot with their weapons. They shifted Jaspal Singh @ Pala to Guru Nanak Dev Hospital, Amritsar, where he was declared dead. The request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. Postmortem of the dead body was conducted and the petitioner was arrested on 06.09.2022. The petitioner approached the learned Additional Sessions Judge, Amritsar, praying for grant of bail, however, finding no merit and after hearing both the sides, the same was declined by learned Additional Sessions Judge, Amritsar vide order dated 08.01.2025. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely prosecuted in the present case. He submits that neither the petitioner had any motive nor he had caused any fatal injury to the deceased. He submits that the petitioner was roped in the present case due to rivalries between the parties. He submits that even otherwise from the allegations made against the petitioner, he was alleged to have been armed with a stick and allegedly given stick beatings to the deceased, however, the cause of death to the deceased is the head injury which is not attributed to the petitioner. He has submitted that petitioner is behind bars since the date of his arrest and thus, he has completed an incarceration of more than 1 ½ years. It is submitted that prosecution has

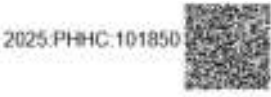


not examined even a single witness till date and thus, the incarceration of the petitioner is being prolonged. He submits that the petitioner has no criminal antecedents. He thus, submits that in the facts and circumstances of the case, petitioner deserves to be granted bail.

4. Short reply by way of affidavit of Mr. Parvesh Chopra, PPS, Assistant Commissioner of Police, South Amritsar has been filed on behalf of respondent-State in the Court today, same is taken on record.

5. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the petitioner is specifically named by the complainant in the FIR. She submits that the petitioner had played an active role along with co-accused and with a common intention, all the accused have committed the murder of Jaspal Singh. She submits that out of total 19 prosecution witnesses, none has been examined so far. She has produced on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was alleged to have been armed with a stick. The status report produced, would show that in the postmortem report, the deceased had been found to suffered 05 injuries. Injury Nos.4 and 5 which are attributed to the petitioner are reddish coloured bruise and reddish coloured abrasion. The cause of death have been opined to be shock and hemorrhage as a result of injury No.1 which is not attributed to the petitioner. The custody certificate produced would show that he has suffered an incarceration of 01 year, 09 months and 02 days as on 07.08.2025. It further reflects that the petitioner has no criminal antecedents. As submitted before this Court, out of total 19 prosecution witnesses, none has been examined so far.



7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.08.2025

ps-I

(**RAJESH BHARDWAJ**)
JUDGE

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