



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

CRM-M-25365-2025
Date of decision: 28.08.2025

HARMESH SINGH ALIAS KALI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Munish Gulati, Advocate
 for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.39 dated 28.02.2019 registered under Sections 302, 120-B of IPC and Sections 25/27/54/59 of Arms Act at Police Station City, Ferozepur.

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. The present case was registered on the basis of statement given to the police by Kartar Singh with the allegations that on 28.02.2019, at about 08/08.15A.M., his son Pritam Singh was going to Ferozepur to drop his children at school on his motorcycle while he himself along with his other son Harbans Singh had also gone to the



market on another motorcycle and they were present at the shop to purchase household articles. Pritam Singh had passed from there and he was followed by two unknown persons on a motorcycle. The pillion rider was having a pistol in his hand, who fired a shot at Pritam Singh as a result of which, Pritam Singh fell down. Thereafter, both the assailants came near Pritam Singh and fired 4/5 gunshots at him and fled away. He further alleged that the entire family of Harbhajan Singh @ Rana of village Nihalewala indulges in sale of heroin, whose house is situated a little ahead of his house and about two months ago, Harbhajan Singh had come to their house and had murdered his brother Bagga Singh and in that occurrence, Bagga Singh had also killed Harbhajan Singh in self defence. Joginder Singh @ Shammi, Sony and his father Lal Singh @ Lalu belonging to the family of Harbhajan Singh, who are in jail used to extend threats to kill his son and his family and he suspected that Khushal Singh, Babbu and Lal Singh have committed the murder. After investigation, the accused were arrested and final report was presented against accused Joginder Singh @ Shammi, Sonu @ Son1, Lal Singh and Khushal Singh. Thereafter, co-accused Amarjit @ Ammi and Lal Singh were also arrested and supplementary report was presented. Petitioner Harmesh @ Kali was declared as proclaimed offender while accused Swaran Singh and Jasvir Singh were arrested and final report was presented against them. Thereafter, petitioner Harmesh Singh @ Kali was also arrested and challan was presented against him on 12.11.2021.



4. Learned counsel for the petitioner argued that petitioner is in custody since 17.8.2021. The trial against all the remaining accused has already been concluded and they have been acquitted as material witnesses had not supported the prosecution case. Name of petitioner had come in the statement of one Jagdish Singh and said Jagdish Singh has been examined during the trial as PW-11 and he has categorically stated that he cannot identify petitioner Harmesh @ Kali and he has not uttered anything incriminating against the petitioner. Petitioner was also not named in the FIR and the offence in question was committed by two unknown persons. Learned counsel further contended that prosecution case is not going to improve any further and in view of his prolonged custody, he deserves to be released on bail.

5. On the other hand, learned State counsel has opposed the bail and sought its dismissal on the ground that the offence committed is grave.

6. Petitioner had been named as an accused in the statement got recorded by one Jagdish Singh but during trial, he was examined as PW-11 and he has not uttered anything incriminating against the accused. All the remaining accused have already been acquitted vide judgment dated 12.02.2024 (Annexure P-4) as all the material witnesses had not supported the prosecution case. Petitioner is in custody since 17.08.2021 and in these circumstances, further detention of the petitioner is not required and he deserves to be released on bail.



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

28.08.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

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