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

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**CRM-M No.28331 of 2025
Date of Decision: 08.09.2025**

Randhir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

Mr. Arshdeep Kler, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant one is the 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.154 dated 05.08.2023 registered under Sections 307, 323, 341, 506, 148, 149 and 120-B of IPC at Police Station Sadar, Samana, District Patiala. His previous petition bearing CRM-M No.21496 of 2025 had been dismissed as withdrawn vide order dated 29.04.2025.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Mandeep Singh alleging that some days back, the water pipe of canal was broken from his hands. On

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the evening of 03.08.2023, the petitioner and other accused had asked him about the broken pipe and then he had told them that his brother was bringing a new pipe and they would install it. On 04.08.2023, when he along with his brother was taking a new pipe towards his fields installing the same, he was waylaid by the petitioner who was carrying a pistol in his hand and the co-accused, all of whom were armed with weapons. The petitioner proclaimed that the complainant would not be spared and then an assault was opened by co-accused Gurdeep Singh by striking an injury on the head of his brother Rajinder Singh with a stick. Rajinder Singh fell on the ground and other assailants caused injuries to him. He too sustained injuries at their hands. He raised clamour, on hearing which several persons had reached there and then the assailants fled away. Rajinder Singh, brother of the complainant succumbed to the injuries and died. Offence under Section 302 of IPC was added. Investigation proceedings were initiated. The petitioner was arrested and is in custody since 18.08.2023. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of over two years. No injury had been attributed to him. The victim had sustained only one injury which is attributed to co-accused Gurdeep Singh and not to him. The injury attributed to him and on the person of the complainant Mandeep Singh was also not on vital part of the body. The occurrence had taken place on 03.08.2023 but the matter was reported to the police on 05.08.2023. The

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delay of two days had not been explained. The deceased Rajinder Singh had died on 15.08.2023 due to lack of proper medical treatment. The co-accused Nirmal Singh and Ranbir Singh have been extended benefit of regular bail. The case of the petitioner is even at a better footing since he did not cause any injury to the deceased. On parity, he deserves to be released on bail. The extended period of his incarceration is sufficient ground to seek concession of bail. No useful purpose would be served by further incarceration of the petitioner. He has clean antecedents. It is, therefore, urged that the petition deserves to be allowed.

4. The custody certificate has been filed by the respondent-State. It is argued by learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant that the allegations against the petitioner are serious in nature as along with the co-accused, he had caused serious injuries to the complainant Mandeep Singh and also to victim Rajinder Singh which resulted in his death. It is, therefore, 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 formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have caused serious injuries to the victim as well as to the complainant. The victim Rajinder Singh had died twelve days after the occurrence. No firearm injury has been attributed to the petitioner and as per the allegations, he had made an exhortation thereby instigating other

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assailants to open an assault upon the victims. The petitioner is in custody since 18.08.2023. No specific injury has been attributed to him. The petitioner is not having any criminal antecedents as is evident from the custody certificate. The trial will take considerable time as no prosecution witness has been examined so far. The co-accused Nirmal Singh and Ranbir Singh who too were not attributed any injury on the person of the deceased have since been extended benefit of bail. Keeping in view the above discussed facts, this Court is of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

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

08.09.2025
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(MANISHA BATRA)
JUDGE

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