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

CRM-M-33621-2024**Date of Decision: 23.01.2025**

Sukhraj Singh alias Shanty

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. B.S.Bhalla, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.94 dated 24.05.2023 registered under Sections 302, 307, 148, 149 of IPC (later on added Sections 212, 216 and 120-B of IPC) and Sections 25 and 27 of Arms Act, 1959, at Police Station Beas, District Amritsar.
2. The FIR in the present case was registered on the basis of the statement made by Ajit Singh son of Charan Singh and the same has been reproduced below:-

*“Statement of Ajit Singh son of Charan Singh 1/0
Patti Gariye ki Sathiyala age about 57 years M.No. 9876442838. It
is stated that I am resident of above said address and am an
agriculturist. I have got two sons, the elder one is Jarnail Singh
aged about 35 years who is also agriculturists and younger one is
Lakhvir Singh who went to America about 10 years back.
Today on 24.5.2023 at about 9.00 AM I and my son
Jarnail Singh were going on the Gharuka of Major Singh son of*



Tara Singh r/o Sathiyala after loading wheat, Sarson for preparing the food for livestock to flour mill of Inder Singh r/o Sathiyala and at about 11:30 AM I and my son were present in the flour mill of Jamnail Singh when one swift desire white colour car came and stop outside the Mill and four persons came out of the car and the driver remained in the car. Three persons out of four who came out of the car had muffled their faces and one person wearing Capry who was clean shaven and all of them were armed with pistols. They came and started firing on my son Jarnail Singh and the bullets hit on the head, face and chest of my son. One bullet hit on the right side of the chest of Major Singh the owner of the Gharuka. My son Jarnail Singh fell down and I raised alaram and the above said persons ran away from the spot alongwith their weapons in the car. I can recognize them if they come in front of me. We took Jarnail Singh and Major Singh to Civil Hospital Baba Bakala Sahib after arranging the vehicle where doctor Sahib checked my son Jamnail Singh on the gate itself and declared him dead and Major Singh was referred to Amritsar Hospital after giving first aid. I left my brother in law Gurbej Singh son of Karam Singh r/o Bhoma P.S. Ghuman and was coming to Police Station alongwith Harinder Singh son of Kulwant Singh r/o Sathiyala when you met us. 4/5 unknown persons have killed my son Jarnail Singh after firing on him and injured Major Singh. Legal action be taken against the aforesaid persons. Sd/-Ajit Singh.”

3. Learned counsel for the petitioner contends that the FIR in the present case was registered immediately after the occurrence on 24.05.2023 and the petitioner was not named as one of the assailant in the present case. After completion of the investigation, the challan in the present case was presented before the competent Court against his co-accused. But till the presentation of challan, no incriminating evidence was found against him. After presentation of



the first challan, the police had recorded the supplementary statement of the complainant on 16.04.2024 and on the strength of the said statement, the petitioner was arrested by the police on 17.04.2024. Even from a perusal of the said supplementary statement, no offence under Section 302 IPC is made out against the petitioner as admittedly the petitioner had not participated in the main occurrence. Learned counsel further submits that the case of the petitioner is almost similar to that of his co-accused, namely, Arshdeep Singh, Jarnail Singh and Rajwinder Singh, who have already been admitted to bail by this Court (Annexures P-2 to P-4 respectively). He further submits that in the present case, the prosecution has relied upon 31 witnesses, but no witness has been examined so far.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had threatened the complainant and had stated that he alongwith Jobanjit Singh had killed his son Jarnail Singh. Even he had provided shelter to Jobanjit Singh, co-accused and does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the occurrence had taken place on 24.05.2023 and immediately thereafter, the FIR was registered. However, the petitioner was not shown to be present alongwith four co-accused, who were specifically named in the FIR. Still further, even as per the admitted case of the prosecution, the petitioner had not participated in the main occurrence and had



rather extended threat to the complainant and had provided shelter to Jobanjit Singh, co-accused. Further almost similarly placed co-accused, namely Arshdeep Singh, Jarnail Singh and Rajwinder Singh have already been admitted to bail by this Court.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

23.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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