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

CRM-M-36359-2024

Jatinder Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CRM-M-38104-2024

Harmanjot Singh @ Sidda

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: 26.03.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. H.P.S. Ishar, Advocate and
Mr. Gurparneet Singh, Advocate (in CRM-M-36359-2024)
Mr. S.S. Rangi, Advocate
Ms. Sukhan Rangi Sekhon, Advocate and
Ms. Kawaljit Kaur, Advocate (in CRM-M-38104-2024)
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab assisted by
ASI Gurcharan Singh.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioners have approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.113 dated 23.08.2023, under Sections 302, 120-B, 201 of IPC, registered at Police Station Sirhind, District Fatehgarh Sahib.

2. Succinctly facts of the case are that the FIR in the present case has been lodged on the statement of complainant, Amandeep Singh. It was alleged that on 22.08.2023 his son Harkirat Singh left home at about 11:00 AM on his Bullet Motorcycle for attending his Hotel Management Class. At about 04:00 PM, he called his son Harkirat Singh



from his phone who told him that it was raining there and it would take some time for him to come to home however, he did not return and then his family members again tried to call him but some one else picked up his phone who informed that their son was sitting at Vishkarma Chowk and they should reach there. On receiving this information, they reached Vishkarma Chowk and found his son Harkirat Singh lying in unconscious who was wearing only underwear and a vest on his body. His motorcycle was also not found. Harman Singh @ Jasan and Jatinder Singh (petitioners) were found standing there in white coloured car. They shifted their son to the hospital. It was alleged that Harman Singh and Jatinder Singh both wanted to go abroad and were pressurizing the complainant to finance them to go abroad. Due to this, they had grudge against him and hence, both in conspiracy with each other had administered some poisonous substance to his son Harkirat Singh and killed him. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. Postmortem of the dead body was conducted. Petitioner-Jatinder Singh was arrested on 23.08.2023 and petitioner-Harmanjot Singh @ Sidda was arrested on 24.08.2023. They approached the Court of learned Additional Sessions Judge, Fatehgarh Sahib. However, after hearing counsel for both the sides, learned Additional Sessions Judge, declined the same vide her order dated 03.07.2024. Hence, being aggrieved, petitioners are before this Court by way of filing the present petitions.

3. Learned counsel for the petitioners have vehemently contended that the petitioners and the deceased all three were the students. Thus, the petitioners have been falsely implicated in the present case on



the basis of presumptions and assumptions. It is submitted that though the postmortem was conducted however, no definite information regarding the cause of death of the deceased was given. He submits that the chemical examiner report was called for establishing the reasons or cause of death however, the chemical examiner report would read that no poison was found. It is thus, submitted that son of the complainant had died in mysterious circumstances and there is no evidence produced by the prosecution for complicity of the petitioners. It is submitted that the petitioners are students and they have no criminal antecedents. It is also submitted that petitioners are behind bars since the date of their arrest however, there is no progress in the trial.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioners. He submits that the deceased was in the company of the petitioners and it is the petitioners who in conspiracy with each other have killed the son of the complainant. He submits that the parents of the deceased have been examined before the trial Court and both have supported the case of the prosecution. He submits that as per the prosecution case, petitioners had the motive to kill the deceased. He has placed on record custody certificate of the petitioners. He further submits that out of 22 prosecution witnesses, 03 witnesses have been examined, 02 witnesses have been given up and 17 witnesses remain to be examined. He also submits that on the disclosure statement of petitioner-Jatinder Singh, motorcycle of the deceased was recovered and on the disclosure statement of Amandeep Singh, Verna Car was recovered.



5. After hearing counsel for the parties and perusing the record, it is apparent that the occurrence in the present case has taken place on 22.08.2023. On conducting the postmortem, no definite opinion regarding the cause of death of the deceased has been given so far. Custody certificate produced by the State would show that petitioners are behind bars from the last more than 01 year 06 months and 25 days. It further reflects that petitioners have no criminal antecedents as they have not been involved in any other case. As submitted out of 22 prosecution witnesses, only 03 witnesses have been examined till date. The allegations and counter-allegations made by both the sides would be assessed by the trial Court on appreciation of the evidence and thus, this Court would refrain from commenting anything on the merits of the case.

6. 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 petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their 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.

7. Photocopy of this order be placed on the file of connected case.

26.03.2025
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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