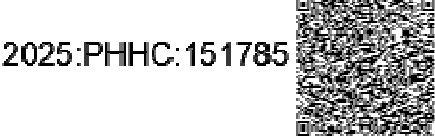


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33621-2025
Date of decision: November 04, 2025

Jaspal Singh alias Jass
.....Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vikas Gupta, Advocate for the petitioner.
Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to the petitioner in case bearing FIR No.26 dated 06.03.2024, registered for the offences punishable under Sections 302, 307, 506, 34 & 201 of the Indian Penal Code, 1860 (for short ‘IPC’) (Sections 120-B and 109 of IPC added later on) and Sections 25 & 27 of the Arms Act, 1959 (for short ‘Arms Act’), at Police Station Sadar, District Tarn Taran.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Gurjit Singh @ Geetu (Constable in Punjab Police, District Tarn Taran), alleged that on 06.03.2024 around 5:15 PM, while he was at the house of Kewal Singh, three accused — Sam (s/o Gurjinder

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Singh), Rohit Kumar @ Sumo (s/o Satinder Kumar), and Jagdish Kumar @ Tata (s/o Satinder Kumar) — arrived on a Splendor motorcycle armed with 12-bore rifles. They damaged the shop of his brother, namely, Gursewak Singh, and when Gursewak came out, Rohit Kumar fired at him, causing a fatal injury to his chest. The assailants fled after firing and threatening others. The motive behind the murder was that Gursewak Singh had earlier objected to Rohit Kumar harassing Harpreet Kaur, the complainant's stepsister, leading to enmity and the murder.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 05.04.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that similarly placed co-accused of the petitioner, namely, Sehajpreet Singh alias S.P. has been granted concession of regular bail vide order dated 28.11.2024 passed in **CRM-M-40115-2025** and Princepal Singh has been granted concession of regular bail vide order dated 01.05.2025 passed in **CRM-M-3423-2025**. Learned counsel has further argued that the petitioner has suffered incarceration for more than 01½ years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 03.11.2025 in the Court today, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

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6. The petitioner was arrested on 05.04.2024 whereinafter investigation was carried out and challan has been presented on 07.06.2024. Total 24 prosecution witnesses have been cited, out of which, only 03 have been examined till date. Indubitably, the conclusion of trial will take its own time. It is not in dispute that co-accused of the petitioner, namely, Sehajpreet Singh alias S.P. and Princepal Singh have been afforded concession of regular bail vide orders *ibid*. The rival contention raised at Bar give rise to debatable issues, which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 03.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 06 months and 26 days. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***, a

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Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

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9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of
opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous
application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

November 04, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No