



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

203

CRM-M-40046-2024

Date of decision: August 13th, 2025

Joban Singh @ Joban

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajat Dogra, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed by the petitioner seeking the concession of regular bail in FIR No.284 dated 07.12.2021 registered under Sections 302, 34, 379B(ii), 411, 201 of the Indian Penal Code, 1860, at Police Station Sadar Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 10.12.2021 in the FIR in question which was alleged against unknown assailants, who on the fateful day, attacked the deceased and thereafter fled away after snatching his mobile phone and jacket. Learned counsel has submitted that it is apparently a case of false implication as despite the charges having been framed way back on 20.07.2022, till date the material witnesses have not been examined despite issuance of bailable/non-bailable warrants to secure their presence. It has also been submitted that although while registering the FIR, the complainant, who is the

brother of the deceased, had categorically claimed that he would be in a position to identify the two assailants, who had attacked his brother, however, strangely no Test Identification Parade was even conducted after the petitioner was arrested following the supplementary statement made by the complainant which was three days later. It has been contended that the petitioner cannot be made to languish in custody for an indefinite period to await the presence of the prosecution witnesses. Learned counsel, therefore, prays that in the circumstances, the petitioner be enlarged on bail.

3. *Per contra*, learned State counsel while vehemently opposing the prayer and submissions made by the counsel opposite, has neither disputed the custody period nor has he, on instructions, disputed that the case is being continuously adjourned on the repeated non-appearance of the material witnesses, including the complainant.

4. On a pointed query, learned State counsel has not been able to dispute that no Test Identification Parade of the petitioner was conducted after he was arrested in the present case; it has also not been disputed, on instructions, that the petitioner has no previous criminal antecedents. However, it has been asserted, on instructions, that the jacket as well as the Aadhaar Card of the deceased was recovered pursuant to a disclosure statement suffered by him. In addition, learned State counsel has reiterated the allegations levelled in the FIR, which are as under:

“Statement of Bhagwan Singh Garhwali son of Chana Singh Garhwali, resident of H. No. 16, Beauty Avenue Circular road backside Punj Hospital, Amritsar aged about 55 years, mobile No. 98150-97945, I would like to state that I am resident of above noted address

and I am working as cook in the marriage functions etc. We are five brothers and all are married and we three brothers are residing at Amritsar and our brother Ramesh Singh Garhwali aged about 42 ears and he was residing at Amritsar from last 20-25 years. He along with his family was residing on rent in the house of Dr. Savita Street No. 10 ears Sukhe Di Haweli, Jagdamba colony Amritsar and he was working as sweeper I the Chicken Plaza Sultanwind road Amritsar. Today I came to the house of my brother Ramesh Singh Garhwali and we were waiting for Ramesh Singh Garhwali who use to came back to the house at around 12.00 PM and at around 12.30 AM, we heard noise in the street, then I and Chhoti Devi wife of Ramesh Singh Garhwali came out from the house. and saw that two youngman were attacking to my brother with sharp edge weapons, we raised hue and cry then the said both youngmen ran away from there along with their respective weapons and while going they also taken away the jacket and mobile No. 84272-83326 of my brother, my brother stained with blood and fell down in the street, we arranged vehicle and immediately took him to Sri Guru Nanak Dev Hospital where the doctors have declared him dead. I left Chhoti Devi wife of my brother Ramesh Singh Garhwali with the dead body of my brother and was coming to inform at Police Station then you met us, I have got recorded my statement. The unknown persons have committed the murder of my brother Ramesh Singh Garhwali with sharp edge weapons, I can identify them on appearing before me. Legal action be taken against them.”

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

6. The petitioner has been in custody since 10.12.2021. The brother of the complainant, who is the author of the FIR, though claimed to be an eyewitness to the occurrence and also that he would be in a position to identify the alleged assailants, had persistently been absenting before the trial Court. He as well as the wife of the deceased are the most material witnesses, however, as already observed earlier, for reasons best known to them despite issuance of bailable/non-bailable warrants, they have failed to depose. The possibility of the trial concluding in the near future, therefore, in the aforementioned facts and circumstances, appears remote.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 13th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No