



CRM-M-41773-2024

-1-

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

CRM-M-41773-2024

Date of Decision: 24.04.2025

Harpreet Singh @ Dharminder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rishu Mahajan, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.240 dated 09.09.2023 under Sections 302/120-B-/34 IPC, registered at Police Station Jandiala, Amritsar.
2. Succinctly, facts of the case are that FIR in the present case was registered on the statement of the complainant, namely, Heera Singh. It was alleged that on 09.09.2023 at about 7/7:30 p.m., when he was at home, his son Dilsher Singh @ Shera and daughter Mandeep Kaur went to Medical Store to get the medicine on foot. Thereafter, his daughter came running home and told him that Harjeet Singh @ Jeeta, Jaspal Singh @ Ghai and Kuldeep Singh @ Bheeta attacked Dilsher Singh and beaten him. On hearing, he rushed to the spot and saw that Harjeet Singh @ Jeeta had taken out Shri Sahib (small *kirpan*) from his *Gatra* and was hitting his son Dilsher Singh and Jaspal Singh @ Ghai was holding his hair and Kuldeep Singh @ Jeeta was holding both his legs and Harpreet Singh @ Dharminder Singh (petitioner) exhorted them not to leave him alive. However, the assailants killed his son. Thereafter, the complainant and his younger son Dildar Singh shifted his injured son Dilsher Singh to Shri Guru Ramdass Cancer Hospital,



Vallah, Amritsar, where he died during the treatment. The motive behind the incident was that the assailants suspected his son Dilsher Singh had illicit relations with wife of Harjit Singh @ Jeeta. Request was made to take legal action against the culprits. On the basis of the allegations made, the FIR was registered and the investigation commenced. During the investigation, the petitioner was arrested on 09.09.2023. The petitioner approached the Court of learned Sessions Judge, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 30.01.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the complainant in the present case though has been projected as eye witness, however, as per his statement only it is apparent that in the initial stage, the petitioner was not even named by the daughter of the complainant, whereas, in the subsequent part of the FIR, the petitioner has been alleged to have exhorted the co-accused to kill deceased Dilsher Singh. He submits that false implication of the petitioner is writ large. He submits that even otherwise the petitioner has not been attributed any overt act in committing the murder of son of the complainant. It is submitted that the petitioner is behind bars since 09.09.2023, but the prosecution has not been able to examine even single witness. He submits that the prosecution witnesses are intentionally avoiding their presence before the trial Court only in order to prolong incarceration of the petitioner.



It is submitted that the petitioner had no motive to commit the alleged offence. He further submits that the petitioner has no criminal antecedents and thus, he deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the complainant has duly named the petitioner in the FIR, who was duly present and exhorted the co-accused for the murder of son of the complainant. He submits that complicity of the petitioner was duly substantiated during the investigation and on framing of charges, the trial has already commenced. On instructions, he has submitted that out of total 17 prosecution witnesses, no witness has been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 09.09.2023. The role attributed against the petitioner is that he exhorted the co-accused for the commission of murder of son of the complainant. The custody certificate would reflect that he has suffered incarceration of 01 year 07 months & 10 days as on 23.04.2025. It further reflects that the petitioner has no criminal antecedents. Out of total 17 prosecution witnesses, no witness been examined.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the

sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

	(RAJESH BHARDWAJ)	
	JUDGE	
24.04.2025	Whether Speaking/Reasoned :	Yes/No
sharmila	Whether Reportable :	Yes/No