

2025:PHHC:105391



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

210

CRM-M-41721-2024

Date of decision: August 12, 2025

GURBHEJ SINGH @ BHEJA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.3 dated 01.01.2021 under Sections 302, 120-B, 473 and 411 of Indian Penal Code, 1860 and Sections 25, 27 of Arms Act, 1959, registered at Police Station Jandiala, District SAS Amritsar (Annexure P-1).

2. As per the FIR (Annexure P-1) lodged on the statement of Akashdeep Singh, on 01.01.2021, while he was conversing with his younger brother Abhishek Singh, four persons namely Baljit Singh @ Bulli, Sukhwinder Singh @ Ghudu, Krison, Gurbhej Singh @ Bheja (petitioner herein) – arrived on two motorcycles and allegedly fired shots at Abhishek Singh, striking him on the head and chest before fleeing. The injured was taken to a hospital, where he was declared 'brought dead'. The motive, as



alleged, was that Krison suspected Abhishek Singh of having a relationship with his girlfriend.

3. Learned counsel for the petitioner contends that the FIR is a result of a mala fide intention and that the petitioner has been falsely implicated. It is further submitted that the petitioner stands on identical footing with co-accused, who have already been granted the concession of regular bail by this Court vide order dated 29.09.2023. Furthermore, the petitioner has been in custody since 21.08.2022, and the challan was presented on 13.11.2022; out of 39 prosecution witnesses, all four material witnesses including the complainant/eyewitness have already been examined; all have failed to support the prosecution and have categorically denied the involvement of the petitioner in the crime in question. It has also been submitted that in his testimony, the complainant stated that the assailants were unknown persons with covered faces and that the accused present in Court were not one of those who attacked his brother i.e. the deceased. It has also been asserted by the learned counsel that other key witnesses, PW2-Gurjit Singh and PW3-Karanbir Singh have also not named the petitioner as being one of the assailants. Learned counsel submits that since about 28 prosecution witnesses still remain to be examined, there is no possibility of the trial concluding in the near future, and hence, the petitioner be enlarged on bail.



4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the FIR and submitted that the petitioner was specifically named in the FIR and clearly attributed a role. However, he has not been able to dispute, on instructions, that all the four material witnesses including the complainant (brother of the deceased and an alleged eyewitness) had been declared hostile during trial as they had failed to identify the petitioner as being one of the alleged assailants. The stage of the trial has also not been disputed by the learned State counsel, on instructions.

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

6. It is an admitted position that all four material witnesses examined to date, including the complainant Akashdeep Singh, have not supported the case of the prosecution and have denied the involvement of the petitioner in the crime in question. Their testimonies specifically disown the identification of the petitioner as one of the assailants.

7. It is further undisputed that co-accused, similarly situated to the petitioner, have already been granted regular bail by this Court. The petitioner has been in custody since 21.08.2022, i.e. for over 28 months, and the trial is still underway with 28 prosecution witnesses yet to be examined. The question of the petitioner's culpability, if any, is a matter for the learned trial Court to determine upon full appreciation of ocular and documentary



evidence. At this stage, further incarceration of the petitioner, in the face of hostile testimony from all key prosecution witnesses, would serve no useful purpose.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude.

9. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. 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.

11. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

August 12, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*