



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

108

CRM-M-42329-2024 (O&M)

Date of Decision: 11.12.2025

Sewak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bikramjeet Singh Jatana,
Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Manjit Singh Uppal, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking grant of regular bail in a case arising out of FIR No.0052 dated 17.03.2023, registered under Sections 302, 307, 34 and 120-B of IPC, 1860, Sections 25 and 27 of the Arms Act, 1959 (Sections 148 and 149 and 326 of IPC added later on) at Police Station Sadar Mansa, District Mansa.

2. The aforesaid FIR was registered on the basis of the statement of the complainant-Jaspreet Singh alleging that on the evening of 16.03.2023, his children had gone to play at the house of his uncle Rupinder Singh. The complainant had gone to bring them back and while he came out of the house of his uncle Rupinder Singh along with his son and daughter, he



met his other uncle-Sukhwinder Singh and was talking to him. Suddenly, two persons came on a motor-cycle; one of them fired a shot at the complainant from behind, which struck the back side of the head of the complainant's son. The pellets from the shot also hit the face of his daughter Navseerat Kaur. Both sustained injuries and his son succumbed immediately. The complainant alleged that he identified the bike riders as co-accused Amrit Singh and Channi Singh. He further alleged that he had enmity with Sewak Singh i.e. the present petitioner, who is the brother of accused Amrit Singh. The petitioner was working at the house of the uncle of the complainant and was allegedly keeping an evil eye on the daughter of his deceased cousin, regarding which the complainant had made a complaint to his family members.

3. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination and inquest proceedings of the deceased were conducted. Accused-Sukhwinder Singh recorded his statement alleging that he had seen the present petitioner standing at some distance at the time of occurrence and that the petitioner had given a signal to the assailants, whereas one of them fired at the victims resulting in the death of the complainant's son. The petitioner was arrested on 18.03.2023. The co-accused were also arrested. Investigation now stands completed and the petitioner is facing trial for the aforementioned offences.

4. Learned counsel for the petitioner has argued that he has been falsely implicated. It is submitted that the prosecution version has been materially improved by PW-Sukhwinder Singh, who was admittedly present at the spot at the time of occurrence but had not mentioned the presence of



the petitioner at the time of lodging FIR. It is argued that a false story has been concocted subsequently. It is further argued that co-accused Manpreet Kaur, who is alleged to be a conspirator, has already been granted the benefit of bail. Admittedly, the petitioner was not one of the assailants and had not fired any shot causing the death of the complainant's son or injuries to his daughter. There are inconsistencies between the statements of the complainant and PW-Sukhwinder Singh, and the complainant in his supplementary statement has also improved his earlier version. It is further contended that as per the prosecution case, the alleged phone calls were made by accused Manpreet Kaur to co-accused Amrit Singh and not to the petitioner. He has been implicated merely because he is the brother of Amrit Singh, one of the assailants. The petitioner is in custody for about 2 years and 8 months. His continued detention would not serve any useful purpose. The trial is likely to take considerable time to conclude. It is, therefore, argued that the petitioner deserves the concession of bail.

5. Status report and custody certificate have been filed. Learned State counsel, assisted by learned counsel for the complainant, opposes the petition, submitting that the allegations against the petitioner are grave and serious. It is argued that the petitioner was very much present at the spot at some distance at the time of occurrence. The eye-witnesses, namely injured witness Navseerat Kaur and PW-Sukhwinder Singh, have already been examined before the trial Court and have categorically deposed about the presence of the petitioner at the spot. It is further argued that the petitioner had a motive to commit the crime on account of enmity with the complainant. There is a likelihood of his absconding or intimidating the



remaining material witnesses or committing similar offences, if released on bail. It is also argued that 42 calls were exchanged between the petitioner and his brother/co-accused Amrit Singh on the day of occurrence, which establishes his active participation and complicity in the crime. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner, who had grudges against the complainant, is alleged to have conspired with the co-accused and in pursuance of that conspiracy, co-accused Amrit Singh and Channi Singh reached the place of occurrence on the fateful day. Accused Amrit Singh fired the fatal shot causing death of the complainant's son and injuries to his daughter. Two material witnesses, namely injured Navseerat Kaur and eye witness Sukhwinder Singh, have been examined and have supported the prosecution case by categorically deposing that the petitioner was present at the spot. The allegations *prima facie* establish the complicity of the petitioner. Although, the record reflects that the trial will take time to conclude and the petitioner has been in custody since 23.03.2023, however, it is well settled proposition of law that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242 and State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. Keeping in view the gravity of the allegations levelled against the petitioner, the nature of the offence, the quantum of sentence which the conviction may



entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner does not deserve to be released on bail, at this stage. Accordingly, the petition is dismissed.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

11.12.2025
Waseem Ansari/Nisha

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No