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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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Decided on :30.10.2025

Jatinder Singh alias Happy

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Yagsimant Attri, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

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**SANJAY VASHISTH, J. (Oral)**

1. Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) seeking the grant of regular bail in a cross-case, namely DDR No. 17 dated 07.02.2023, registered under Sections 302, 307, 148, and 149 IPC (Section 307 IPC having been added later vide DDR No. 12 dated 18.02.2023) and Sections 25 and 27 of the Arms Act. The said DDR arises out of FIR No. 21 dated 06.02.2023, registered under Sections 302, 148, and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Ghuman, District Gurdaspur.

2. Initially, at the instance of petitioner-Jatinder Singh @ Happy, FIR No. 21 dated 06.02.2023 (supra) was registered, alleging therein that the accused party named in the said FIR had dragged his father, Swaran Singh, out of the house and murdered him on the road.

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3. The incident in question took place on 05.02.2023 at about 9:30 p.m. During the course of investigation of the said FIR, a cross-version case was registered on 07.02.2023 against preset petitioner's party.

4. As per the cross-version recorded at the instance of Navdeep Kaur (wife of deceased Harpinder Singh @ Bhinda), she was married about six years ago and has two daughters aged 4 years and 2 years. Her husband, Harpinder Singh @ Bhinda, was employed at a private ship in Mumbai.

On the day of the incident, a friend of her husband had come to meet him in a Swift car, whose name she subsequently came to know as Akashdeep Singh (son of Inderjit Singh). Both of them had gone to Dhariwal, District Gurdaspur, to watch a *kabaddi* match. At around 10:00 p.m., complainant Navdeep Kaur heard the sound of gunfire and, along with her mother-in-law Joginder Kaur, came out of the house towards the road leading to village Dhaiyato.

In the light of the vehicles', she noticed that her husband, Harpinder Singh, was lying in a pool of blood due to bullet injury, and that his friend, Akashdeep Singh, had also been fired upon. She further noticed on the spot that the following persons were present:

- i) Ravi (armed with a pistol),
- ii) Happy (armed with a pistol),
- iii) Nishan Singh @ Chana,
- iv) Minta,

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- v) Dilbagh Singh,
- vi) Raju Fauji (sons of Dayal Singh),
- vii) Karna, along with 8–10 unidentified persons.

On raising an alarm, the complainant and her mother-in-law saw all the assailants flee the spot with their respective weapons.

In the said cross-version case, Navdeep Kaur and her mother-in-law, Joginder Kaur, have been projected as eye-witnesses to the occurrence, identifying the accused named therein.

5. Learned counsel for the petitioner submits that although in the cross-version case, which was registered two days after the incident, the petitioner is alleged to have been armed with a pistol along with co-accused Ravi, there is no specific attribution of any overt act or role assigned to him.

It is further argued that even as per the investigation conducted by the prosecution in the cross-version case, pistol was allegedly used by deceased Swaran Singh, which resulted in the death of Harpinder Singh @ Bhinda and caused injuries to Akashdeep Singh @ Neela. Thus, no substantive or specific role of the petitioner has been established during investigation.

Petitioner is in custody since 01.05.2023, and the slow pace of the trial coupled with the absence of any specific role attributed to him, learned counsel prays that the petitioner be released on regular bail.

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6. On the other hand, learned State Counsel has already filed a short reply dated 03.10.2025, supported by the affidavit of Harish Behal, PPS, Deputy Superintendent of Police, NDPS Batala, holding additional charge of Sub-Division Sri Hargobindpur, Police District Batala.

As per the said reply, the petitioner Jatinder Singh @ Happy was arrested on 01.05.2023, and from his possession, a licensed revolver of .32 bore along with empty cartridges was recovered. The said weapon was being used by his deceased father, Swaran Singh, who had allegedly fired upon Harpinder Singh and Akashdeep Singh @ Neela.

Learned State Counsel further submits that the name of the petitioner is specifically mentioned in the cross-version case, and that a recovery has also been effected at his instance.

It has further been mentioned in the reply that, after completion of the investigation, the challan has already been presented, and out of a total of 30 prosecution witnesses, one witness has so far been examined.

7. However, beyond the contents of the reply, learned State Counsel is unable to make further submissions against the petitioner, particularly in view of the fact that the reply itself records that the shots were fired by deceased Swaran Singh (father of the petitioner) in the FIR case, resulting in the death of Harpinder Singh @ Bhinda (deceased in the cross-version case). It is also clarified that the recovered pistol was a licensed weapon recorded in the name of Swaran Singh.

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8. I have heard learned counsel for the parties and perused the paper-book, along with the documents appended thereto and the reply filed on behalf of the State.

9. After considering the circumstances in its entirety and taking into account the stand of the prosecution that the entire burden of causing murder and injury in the cross-version case has been attributed to the already deceased person, Swaran Singh, this Court finds itself left with no other option, but to accept the same version at this stage, unless and until fresh evidence is brought on record before the Trial Court to establish the charges against the petitioner.

Also, considering the prolonged period of incarceration, i.e., approximately two years and six months, and the fact that out of a total of 30 prosecution witnesses, only one witness has been examined till date, this Court finds merit in the petitioner's prayer.

In view of the above, the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.



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11. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

12. Petition stands disposed of.

(SANJAY VASHISTH)  
JUDGE

30.10.2025

Rashmi

Whether speaking/reasoned: Yes/No  
Whether Reportable: Yes/No