

2025:PHHC:096748



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222+230

(1). CRM-M-48586-2024
Date of Decision: 31.07.2025

Lakhvir Singh	Versus	...Petitioner
State of Punjab		...Respondent
	and	

(2). CRM-M-22607-2025

Amrik Singh	Versus	...Petitioner
State of Punjab		...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nitin Gupta, Advocate
for the petitioner in CRM-M-48586-2024.

Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner in CRM-M-22607-2025.

Ms. Simran Gorla, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. By way of this common order, I intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present petition praying for granting regular bail in case FIR No.144 dated 08.12.2022 under Sections 302/216/427/120-B/148/149 of IPC, 1860 and Sections 25/29/30/54/59 of the Arms Act, 1959 registered at Police Station City Nakodar, District Jalandhar (Rural), Annexure P-1.

3. Succinctly, facts of the case are that FIR was registered on the statement of the complainant namely Harminder Singh. It was alleged that his son had got a ransom call on 01.11.2022 for paying Rs.30 lakh. On account of the same, a complaint was filed and his son Bhupinder Singh @ Timmy was granted the security by the State and provided two security gunmen namely Mandeep Singh and Parminder singh. On 08.12.2022 after closing the shop, his son along with his gunman Mandeep Singh about to leave in his car, however, 2-3 persons came and who started firing and on account of the bullet injuries, his son and constable, both succumbed to the injuries. A request was made to take legal action against the unknown accused. On registration of the FIR, investigation commenced. During investigation, some co-accused were arrested and thereafter, on 14.12.2022 co-accused Manga Singh @ Geeta @ Bichu, made a disclosure statement about the complicity of the petitioner Amrik Singh (in CRM-M-22607-2025). So far as the co-accused Gurwinder singh @ Ginda is concerned, he made a disclosure statement on 17.12.2022 about the complicity of the petitioner Lakhvir Singh. Thus, the petitioner was arrayed as accused. Resultantly they were arrested on 18.12.2022 and 23.12.2022. They approached the Court of learned Additional Sessions Judge, Jalandhar, 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(s) filed by the petitioners vide orders dated 01.07.2024 and 13.12.2024, respectively. Hence, the petitioners have approached this Court praying for grant of bail by way of filing the present petitions.

4. It has been contended by learned counsel for the petitioners that the petitioners have been falsely and frivolously roped in the present case. They submit that petitioners are neither named in the FIR nor any overt act has been attributed to them. However, during investigation, on the basis of

disclosure statement they have been arrayed as accused, which is not admissible evidence. They submit that allegation against the petitioner Amrik Singh is to the effect that he carried regular recce of the deceased so far as the petitioner Lakhvir Singh is concerned, it was alleged that there is transaction of Rs.2 lakh in his account on 11.12.2022. It is submitted that the alleged transaction in his account is after the occurrence. It is submitted that allegations are without any basis. The petitioners are behind bars since the date of their arrest. To buttress their arguments, they submit that similarly situated two co-accused namely Akashdeep Singh @ Chatha @ Ghanti and Gagan Gill @ Gagan have already been granted concession of regular bail by this Court vide orders dated 02.09.2024 and 21.05.2025 passed in CRM-M-4872-2024 and CRM-M-41285-2024, respectively and the petitioners are at par with the same. They submit that investigation is complete and charges have been framed, however, till date no witness has been examined by the prosecution. Prosecution is intentionally prolonging the incarceration of the petitioners. They submit that speedy trial is the fundamental right of every accused irrespective of the gravity of the offence, they are involved in. It is further submitted that petitioner Lakhvir Singh has been falsely implicated in one more case, however, he has been acquitted by the trial Court on 05.12.2024. So far as the petitioner Amrik Singh is concerned, he is involved in six other cases. In two cases, he has been acquitted and in rest of four cases, he is in custody. Thus, it is submitted that in view of the facts and circumstances of the case, the petitioners deserve to be granted bail.

5. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioners. She submits that during investigation, complicity of the petitioners was duly proved. They have played an active role by facilitating the offence committed. She submits that case at hand pertains to

the double murder. She further submits that out of total 69 prosecution witnesses, no witness has been examined till date. She has placed on record the custody certificates of the petitioners.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioners are behind bars since the date of their arrest i.e. 18.12.2022 and 23.12.2022. Petitioners were arrayed as accused during the investigation on the basis of disclosure statement of the co-accused. Similarly situated two of the co-accused Akashdeep Singh @ Chatha @ Ghanti and Gagan Gill @ Gagan have already been enlarged on bail by this Court vide orders dated 02.09.2024 and 21.05.2025. The custody certificates would reflect that the petitioners have suffered incarceration of 02 years, 07 months and 08 days (Lakhvir Singh petitioner in CRM-M-48586-2024) and 02 years, 07 months (Amrik Singh, petitioner in CRM-M-22607-2025), respectively. Out of total 69 prosecution witnesses, no witness has been examined so far.

7. As per law settled, speedy trial to the petitioners despite their involvement in multiple cases cannot be taken away. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon'ble Supreme Court in ***Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695*** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

8. The Hon'ble Supreme Court in a recent decision dated 03.07.2024

in ***Javed Gulam Nabi Shaikh Vs. State of Maharashtra***, Criminal Appeal No. 2787 of 2024, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

9. The veracity of the allegations and counter 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 petitioners succeeds in making out a case for grant of regular bail to the petitioners.

10. Accordingly, the present petition are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. It is being clarified that in case the petitioner(s) does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

12. A photocopy of this order be placed on the file of another connected case.

31.07.2025

Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No