

211.

2025:PHHC:041837



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

CRM-M-49928-2024

Date of decision: 26.03.2025

Harmanpreet Singh @ Harman

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Umaid S. Mann, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is second petition that has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner in case FIR No.186, 26.11.2019, under Sections 302, 120-B of IPC and Sections 25, 27 of Arms Act (Sections 307, 325, 109, 201, 212 of IPC and Sections 54, 59 of Arms Act added lateron), registered at Police Station City 1, Malerkotla, District Sangrur.

2. Learned counsel for the petitioner has contended that the petitioner is not named in the FIR, annexed as Annexure P-1, and has been implicated in the case solely by virtue of Section 120-B IPC. It has been further pointed out that co-accused, Sukhdeep Singh @ Tony and Jagdeep Singh @ Kaka, in their initial disclosure statement recorded on 19.03.2021, did not mention the name of the petitioner. It was only in their subsequent disclosure statement dated 23.03.2021, after being taken into custody for the second time, that they nominated the petitioner in the present case as an

accused. Thereafter, the petitioner was arrested on 25.03.2021 and has remained in custody since then.

3. It has further been submitted that the alleged occurrence took place on 25.11.2019, and the FIR was registered on 26.11.2019, leading to the arrest of the main accused. The petitioner has not been attributed any direct role in the commission of the offence, nor has any incriminating material been recovered from him. It is argued that the prosecution has not been able to even bring forth any cogent evidence, much less to show any nexus between the petitioner and the crime, and, therefore, it is evidently a case of false implication.

4. Furthermore, it has been contended that the co-accused, Umar Gujjar and Fraj Ahmed have already been extended the concession of bail, despite the fact that Fraj Ahmed was allegedly attributed the motive for committing the offence, as the deceased was said to have had illicit relations with his former wife. Learned counsel has argued that even in the worst case scenario, the only role, although fabricated, attributed to the petitioner is that he met the two co-accused on whose disclosure, he came to be nominated as an accused, after the incident, took them to Ludhiana, paid them Rs.10,000/- and arranged for their travel to Delhi by bus. The weapon of offence was also purportedly handed over to the petitioner.

5. Learned counsel has still further argued that the case of the petitioner stands on a better footing than that of other accused persons, who have already been granted bail. Additionally, despite charges being framed on 10.06.2021, the prosecution evidence, consisting of 45 witnesses, is yet to

commence, and, therefore, the trial is likely to take a considerable amount of time.

6. Learned counsel for the petitioner, however, has yet again reiterated his submissions and has asserted that no cogent evidence was collected against the petitioner and he had been falsely implicated in the present case. It has been further submitted that the petitioner may be put to any stringent conditions while being granted bail.

7. In compliance of order dated 16.10.2024, reply by way of an affidavit dated 21.01.2025 of Kuldeep Singh, PPS, Deputy Superintendent of Police, Sub Division Malerkotla, District Malerkotla, on behalf of respondent-State, has been filed in Court today, which is taken on record.

8. Learned State counsel, on instructions, has not disputed the custody period of the petitioner nor the stage of the trial. However, it has been asserted, on instructions, that the delay in trial is due to the case being transferred from Sangrur to Malerkotla upon the establishment of a new court.

9. While further opposing the prayer of the petitioner, learned State counsel has submitted that the petitioner is involved in multiple other criminal cases and, therefore, does not deserve the concession of bail, as he may engage in further criminal activities. However, when a pointed query was put, the State, on instructions, has not disputed that co-accused, who have already been granted bail, were also involved in other criminal cases. Furthermore, it has also not been disputed, on instructions, that the accused, to whom the motive to commit the crime had been attributed, has also been granted bail by this Court.

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

11. The case of the prosecution is based on the complaint lodged by Mohammad Yamin, who alleged that on 25.11.2019, during the reception of his marriage, four unknown persons, armed with firearms, arrived at the venue and, after targeting his brother, Abdul Rashid (hereinafter referred to as the deceased) killed him. One Arun Chauhan, who was also present, sustained a firearm injury on his leg. Allegedly, the deceased had enmity with Bagga Khan, Gahia Khan and Fraz Ahmed, who had conspired to eliminate the deceased by engaging unknown assailants. No suspicion was raised qua the involvement of the petitioner while lodging the FIR in question, which fact has also not been disputed by the learned State counsel.

12. It is pertinent to note that the State has also not disputed the fact that no specific role has been attributed to the petitioner in the commission of the offence. It is also not disputed that the motive for committing the crime has not been assigned to the petitioner. Rather, the sole basis for opposing bail is the apprehension that the petitioner may indulge in similar criminal activities due to his alleged antecedents.

13. However, it is well settled that mere involvement in other criminal cases cannot be a ground to deny bail, particularly when the petitioner has been in custody since 25.03.2021; the trial has not concluded due to reasons not attributable to the petitioner; the role attributed to the petitioner does not indicate his direct participation in the offence; co-accused, including the one attributed with the motive for the crime, have already been granted bail.

14. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

15. 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. However, learned Magistrate concerned shall be at liberty to impose stringent conditions as may be necessary to ensure the presence of the petitioner during trial and prevent any misuse of the concession of bail by him.

16. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

March 26, 2025

sanjeev

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No