



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

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CRM-M-52193-2024

Date of decision: August 27th, 2025

Hardeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manvijay Singh, Advocate
for Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. H.S. Deol, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.18 dated 10.02.2020 under Sections 302 and 120-B read with Section 34 of the IPC and Section 25 of the Arms Act, registered at Police Station Beas, District Amritsar Rural.

2. Learned counsel for the petitioner contends that the FIR in question was lodged against unknown persons by the father of the deceased, wherein it was alleged that on the night of 09.02.2020 when the deceased was parking his car, two unidentified persons came to the spot and thereafter fired indiscriminately resulting in the deceased sustaining fatal injuries. Learned counsel has argued that the petitioner and the co-accused came to be nominated as an accused after both of them suffered an extrajudicial confession before Ex-Sarpanch Ajaib Singh. Learned counsel has submitted that although it is a case based on eyewitness account, however, the most material witness i.e. the father of the deceased PW-1 Manjit Singh, while stepping into the

witness box, had failed to identify the petitioner as being the person, who had fired at the deceased, as a result of which he was declared hostile. In support, learned counsel has placed on record the deposition of PW-1 Manjit Singh, wherein the said fact clearly stands reflected. Learned counsel has, therefore, submitted that in the aforementioned facts and circumstances, more so when identically placed co-accused Gulab Singh has also been extended the concession of bail, similar relief be extended to the petitioner more so when now he has been in custody since 16.04.2020 and 17 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the most material witness i.e. PW-1 Manjit Singh, who purportedly witnessed the occurrence in question, had failed to identify the petitioner during trial as a result of which he was declared hostile. It has also not been disputed that co-accused Gulab Singh, Sukhjinder Singh and one Akashdeep Singh have since been extended the concession of bail.

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

5. The petitioner has been in custody for more than five years having been arrested on 16.04.2020. 17 witnesses still remain to be examined. The most material witness i.e. father of the deceased, who is stated to have witnessed the occurrence, has not only been examined but

did not support the case of the prosecution during trial. The trial is unlikely to conclude in the near future.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner be admitted to bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

7. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

August 27th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No