



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-7604-2025
Date of decision: 30.10.2025

KARNI SINGH @ JASKARAN SINGHPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Dr. Deepa Singh as Amicus Curiae
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant second petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 0197 dated 12.09.2021, registered under Section(s) 304, 34 of the Indian Penal Code, 1860 (Sections 302, 201 of the IPC were added later on) at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. No one has entered appearance on behalf of the petitioner, hence, it is deemed expedient to nominate an Amicus Curiae. Dr. Deepa Singh, who is present in the Court, is appointed as the Amicus Curiae to represent the case on behalf of petitioner to arrive at a decision. She has perused the case file and submits that the present FIR came to be registered on 12.09.2021 upon receipt of information regarding injuries sustained by Gurmeet Singh, who

had been admitted to Nivaran Hospital, Bathinda. Since the injured was declared unfit to make a statement, Rapat No. 002 was recorded to that effect. Subsequently, the injured succumbed to his injuries on 12.09.2021, whereafter the instant FIR was formally registered on the basis of a statement made by Harpreet Kaur, wife of the deceased. In her statement, Harpreet Kaur alleged that on 01.09.2021 at about 8:00 P.M., she heard a commotion outside her house. On going out along with her husband Gurmeet Singh (since deceased), they saw their neighbours Mangal Singh, Karni Singh, and Raja Singh quarreling with her brothers-in-law, Lakhwinder Singh (Jeth) and Seepa Singh (Devar). At that time, Karni Singh was holding a stick. When Gurmeet Singh tried to intervene, Karni Singh struck him on the head with the stick, causing him to fall to the ground, whereafter the accused persons fled the scene with their respective weapons. A vehicle was arranged, and the injured was first taken to Civil Hospital, Sri Muktsar Sahib, from where he was referred to Guru Gobind Singh Medical College and Hospital, Faridkot. However, the family chose to shift him to Nivaran Hospital, Bathinda, where he later succumbed to his injuries. Accordingly, a case under Sections 304 and 34 IPC was registered against Mangal Singh, Karni Singh (the present petitioner), and Raja Singh. Subsequently, a supplementary statement of Harpreet Kaur was recorded, in which she disclosed the involvement of Kala Singh son of Pirthi Singh, and clarified that the petitioner Karni Singh was armed with an iron pipe fitted with an iron gear, which he used to assault and kill her husband Gurmeet Singh. In consequence, the offence was modified to Section 302 IPC vide Rapat No. 27 dated 13.09.2021.

3. Learned Amicus Curiae submits that the post-mortem of the body

of deceased was conducted in Civil Hospital, Sri Muktsar Sahib vide report No. BD/NG/KK/MK/SMS/PMR/31/2021 dated 13.09.2021. The cause of death was recorded as under:-

“The cause of death in this case in our opinion is complications of craniocerebral damage as a result of injury as described, which is sufficient to cause death in ordinary course of nature.”

4. It was argued that the petitioner was arrested on 20.09.2021, and that the alleged weapon of offence has already been recovered during the course of investigation. It was further submitted that despite the petitioner having undergone actual custody of more than four years, the trial has not yet concluded, and only 11 out of 23 witnesses have been examined so far. Learned Amicus Curiae contended that the petitioner cannot be kept in prolonged pre-trial incarceration merely on account of the pendency of proceedings. She further contends that, prima facie, the case does not disclose an offence under Section 302 IPC, as only a single injury on the head was attributed to the petitioner. Attention was drawn to the fact that the case was originally registered under Section 304 IPC, and thus arguable issues would arise during trial as to the nature and gravity of the offence. It was also submitted that the petitioner is not involved in any other criminal case, and there exists no likelihood of his tampering with evidence or influencing prosecution witnesses, if enlarged on bail.

5. Counsel for the respondent-State on the other hand contends that the petitioner is attributed the injury which eventually led to demise of the deceased, he however, does not dispute the fact that the petitioner has already undergone an actual custody of more than 04 years as on date and that only

11 out of total 23 witnesses have been examined so far. It is also not disputed that the petitioner does not suffer from any criminal antecedents and is not involved in any other case.

6. I have heard the Amicus Curiae and learned counsel appearing on behalf of the respective parties.

7. From a perusal of the record it is undisputed that the incident in question occurred in the year 2021, and as per the petition filed before this Court in the year 2023, the petitioner was approximately 21 years of age at that time, thereby indicating that he is a young individual with no prior criminal antecedents. The record further reflects that the petitioner has already undergone actual custody exceeding four years in connection with the present case, while the trial remains midway, with 11 out of 23 prosecution witnesses examined thus far. Moreover, there is no material on record to suggest that the petitioner is likely to interfere with the due course of justice or tamper with the prosecution evidence, should he be released on bail.

8. Taking into consideration the inordinate delay in the conclusion of the trial and the fact that various arguable issues are likely to arise at the stage of trial, particularly as to whether the case would fall within the ambit of Section 302 IPC or whether it would be more appropriately tried under Section 304 IPC, this Court is of the considered view that the petitioner deserves the concession of regular bail.

9. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

10. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
11. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.
12. A copy of this order be sent to the High Court Legal Service Committee for information and necessary action.

OCTOBER 30, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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