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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-63852-2024 (O&M)
Reserved on : 03.11.2025
Pronounced on : 06.11.2025

Jagmeet Singh @ Meet ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Hitesh Chopra, Advocate
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 25 dated 11.02.2020, registered under Sections 302, 307, 433, 411, 120-B, 148 and 149 of IPC and Section 25 of the Arms Act at Police Station Dhariwal, District Gurdaspur.
2. The adumbrated facts as emanating from the record are that on the evening of 10.02.2020, complainant Jagdish Raj was present in his shop along with his helper Vishal and his son Ashok Kumar, when he noticed a car being parked a little ahead of his shop. Within his sight, two youths with covered faces alighted from the car and started indiscriminate firing with their pistols towards his son Ashok Kumar, who sustained injuries on his head as well as on other parts of the body and fell down. Blood started oozing from his injuries. The assailants also fired shots towards Hitesh Mahajan @ Honey Mahajan, who was present in an *Ahata* existing on the eastern side of the shop of the complainant,

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and he too sustained injuries and fell down. On alarm being raised by the complainant and his helper, the assailants fled away with their respective weapons in their car. The injured Vishal was taken to the hospital but succumbed to his injuries. The injured Hitesh Mahajan was also admitted in the hospital and had been given treatment.

3. As per the further allegations, on 10.02.2020, accused Lovepreet Singh @ Love and Rajinder Singh @ Nikku, who were arrested in case bearing FIR No. 25 dated 27.03.2020, registered under Sections 307, 188 and 34 of IPC and Section 25 of the Arms Act at Police Station Shahpurkandi, District Pathankot, suffered disclosure statements admitting their involvement in this case and they were nominated in this case as well. They also took the names of the petitioner and other co-accused, who too were nominated as additional accused. Accused Jasbir Singh was arrested in this case on 17.04.2022. Accused Harjinder Singh @ Jinda was arrested on 19.04.2022. Accused Sukhmeetpal Singh @ Sukh Bhikhariwala was arrested on 08.02.2021. Offences under Sections 120-B, 148 and 149 of IPC were added during the course of investigation. The petitioner was arrested on 05.09.2020. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statements of the co-accused, which cannot be considered to be admissible in evidence. He was not named in the FIR. The material witnesses i.e. the complainant Jagdish, eyewitness Vishal, and Paramjeet, and two other witnesses, namely PW-5 Gurpreet and PW-7 George Maish have resiled from their respective statements

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as recorded before the police and have not supported the prosecution version. The trial is likely to take considerable time to conclude as several witnesses are yet to be examined. There is unexplained delay of 10 hours in lodging of the FIR. No motive whatsoever has been attributed to him to assault the victim Vishal or to use firearms against the complainant and injured Hitesh Mahajan. The testimony of PW-Hitesh cannot be considered to be trustworthy as the same shows that he had not actually seen the petitioner while committing the alleged offences. It is submitted that the prolonged incarceration of the petitioner is also a sufficient reason to extend the benefit of bail to him. Hence, it is urged that he deserves to be released on bail.

5. *Per contra*, learned State counsel has argued that there are serious and specific allegations against the petitioner. He had been duly identified by PW-4 Hitesh Mahajan (injured) at the time of Test Identification Parade, and in his deposition also, he has identified the petitioner and has deposed that he was one amongst the assailants. The petitioner is a habitual offender, since several cases are pending against him, one of which is a murder case. Only on the basis of prolonged incarceration, the petitioner cannot claim his release on bail. Even otherwise, the trial is going on at a proper pace and all the material witnesses have since been examined. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has heard the submissions made by both the parties.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused and also to have formed a membership of an unlawful assembly with them on 10.02.2020 and in prosecution of common object of that unlawful assembly, he, along with the co-accused, is alleged to have used firearms, and

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the shots fired with the same killed the victim Vishal and caused firearm injuries to PW-Hitesh Mahajan @ Honey Mahajan. PW Hitesh Mahajan has since been examined. Copy of his deposition as PW-4 has been placed on record, which shows that he had duly identified the present petitioner in the Court as one of the assailants, and also at the time of the Test Identification Parade, and has supported the prosecution version. As such, the petitioner cannot claim any benefit from the fact that the complainant and two eye-witnesses have not supported the prosecution version. The allegations against the petitioner are serious in nature. He along with co-accused stands accused of a heinous crime punishable with capital punishment or life imprisonment. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 IPC and as such, is not a sufficient ground for enlarging the petitioner on bail. In view of the above discussion, this Court is of the considered opinion that the release of the petitioner may hamper the course of trial and undermine the integrity thereof and, thus, this Court finds no compelling grounds to grant benefit of bail to the petitioner. The well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. Keeping in view the discussion as made above, this Court is of the considered opinion that the petitioner is not entitled to get benefit of bail. Accordingly, the petition is dismissed.

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8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

06.11.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>