



CRM-M-68930-2025

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

CRM-M-68930-2025

Date of Decision: 11.12.2025

Jaswinder Singh @ Jassi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amarjeet Singh Prajapati, Advocate
for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present second petition praying for granting regular bail in case FIR No.319 dated 27.11.2020 under Sections 302, 201, 120-B, 34 IPC and Sections 25, 27 of Arms Act, registered at Police Station Sadar Amritsar, District Amritsar.

2. Brief facts of the case are that the FIR in the present case was lodged on the statement of Ramesh Kumar @ Meshi. It was alleged that family of his brother Pawan Kumar used to reside with him. His brother Pawan Kumar had two sons and one daughter. Sunny @ Gorrilla, elder son of his brother was lodged on jail and Mani, younger son of his brother used to work with the complainant on his motorcycle shop. On 27.11.2020 at about 12:30 p.m., Mani was standing in front of the shop, in the meantime, two clean shaven young men arrived on a black Splendor motorcycle from Mustafabad side. Both those persons were with muffled face. They stopped



their motorcycle in front of Mani. The pillion rider immediately got off and started firing bullets on Mani. Though, Mani tried to escape, however, he collapsed after being hit by the bullets. The assailants stood nearby and kept on firing on his head and body. It was suspected that co-accused Shubham had carried out murder of Mani through his men, who was already confined in jail. Request was made to take legal action against the accused. On the registration of the FIR, the investigation commenced. During investigation, the petitioner has been nominated as an accused and resultantly, he was arrested on 06.07.2021. He approached the Court of learned Additional Sessions Judge, Amritsar 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 filed by the petitioner vide order dated 07.11.2023. being aggrieved, the petitioner earlier approached this Court by way of filing of CRM-M-4031-2024, however, the same was dismissed as withdrawn on 19.02.2025. Hence, the petitioner is before this Court praying for grant of bail by way of filing the present second petition.

3. It has been contended by learned counsel for the petitioner that the case of the prosecution is primarily based on circumstantial evidence. He submits that there is no credible evidence regarding the identity of the petitioner. He submits that the petitioner has been implicated on the basis of statement made by the planted witnesses. He submits that the allegations in the FIR were to the effect that the assailants were with muffled faces thus, there was no occasion for the complainant to identify the petitioner. He submits that the recovery of the weapons has been planted upon the petitioner since as per the FSL report, the same is not proved thus, it cannot be



said that the weapon recovered from the petitioner had been used in the commission of the offence. He submits that the petitioner is behind bars from last more than 04 years and majority of the material witnesses already stand examined thus, there is no probability of the petitioner influencing the prosecution witnesses. To buttress his arguments, he submits that though the petitioner is prosecuted in other cases, however, either he is acquitted or he is on bail in those cases. He submits that co-accused, namely, Shubham Singh @ Shuham, has already been granted bail by this Court vide order dated 28.10.2025 passed in **CRM-M-58389-2025**. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that during investigation, the petitioner was nominated as an accused in the present case. It is submitted that during investigation, the complainant duly identified the petitioner. He submits that it was the petitioner, who had fired at the deceased. He, on instructions, has submitted that out of total 41 prosecution witnesses, 25 witnesses have been examined. However, he endorsed the fact that co-accused, namely, Shubham Singh @ Shuham has already been granted bail by this Court vide order dated 28.10.2025. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 06.07.2021. The custody certificate would reflect that he has suffered incarceration of 04 years, 04 months and 23 days as on 10.12.2025.



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Admittedly, co-accused, namely, Shubham Singh @ Shuham has already been granted bail by this Court vide order dated 28.10.2025. As submitted before this Court, out of total 41 prosecution witnesses, majority of the witnesses already stand examined. Though petitioner is involved in other cases, however, either he has been acquitted or he is on bail in those cases. Needless to say that every accused has the fundamental right of speedy trial.

6. 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.”

7. 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. Though the petitioner is involved in multiple cases, however, the same cannot be a ground for non-consideration of his bail.

8. The veracity of the 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



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commenting anything on the merits of the case. The trial of the case will take sufficient long time to conclude. 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 petitioner succeeds in making out a case for grant of regular bail to the petitioner.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing his bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. It is being clarified that in case the petitioner 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.

(RAJESH BHARDWAJ)
JUDGE

11.12.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No