

CRM-M-5041-2024
CRM-M-58835-2025

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2026.PHHC:018509



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-5041-2024

GURBHEJ SINGHPetitioner
Versus
STATE OF PUNJABRespondent

CRM-M-58835-2025

SHARANJEET SINGH ALIAS SHARNJIT SINGH ALIAS SUNNYPetitioner
Versus
STATE OF PUNJABRespondent

Decided on : 09.02.2026

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sandeep Wadhawan, Advocate, (*through VC mode*),
for the petitioner (in CRM-M-5041-2024).
Mr. Yajur Sharma, Advocate,
for the petitioner (in CRM-M-58835-2025).

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. By this common order, both the aforementioned petitions, i.e. CRM-M-5041-2024 and CRM-M-58835-2025 shall stand disposed of.
2. Petition, i.e. CRM-M-5041-2024 has filed by the petitioner – Gurbhej Singh alias Bheja, seeking grant of regular bail, in case, FIR No.101, dated 18.05.2022, under Sections 302, 307, 323, 452, 427, 148, 149 of IPC, and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station Lopoke, District Amritsar Rural.



Petition, i.e. CRM-M-58835-2025 has filed by the petitioner

– Sharanjeet Singh alias Sharanjit Singh alias Sunny, seeking grant of regular bail, in case, FIR No.101, dated 18.05.2022, under Sections 302, 307, 323, 452, 427, 148, 149 of IPC, and Sections 25, 27 of Arms Act, 1959, registered at Police Station Lopoke, District Amritsar Rural.

3. Learned counsel for the petitioners contends that, as per the allegations in the FIR, the same was registered at the instance of complainant-Jasbir Singh alias Pamma. Relevant portion of the FIR, as recorded by the said complainant, is reproduced below:-

“We are seven brothers. I am the eldest of all and younger to me is Harjeet Singh, younger to him is Amarjeet Singh, then younger to him is Surjeet Singh Then younger to him is Surjeet Singh, then younger to him is Jaspal Singh, the younger to him is Heerapal Singh and youngest of all is Judgepal Singh @ Jojo. Our entire family is residing together we have constructed a new house in front of house of Abnash Singh son of Baldev Singh of our village and empty space has also been left around this house. At the back of our house, there is a cattle shad of Abnash Singh. There is also a lane alongside our house adjoining our land Apart from taking possession of the street, Abnash Singh also intends to occupy our land. Yesterday on 17.05.2022 at about 5 pm I along with my brother Surjeet Singh and uncle Shinda Singh were standing near our house in the lane. My brother Judgepal Singh @ Jojo was arranging bricks lying on the roof of our house Harjeet Singh was also helping him in lifting of bricks. While we were standing in the lane, there was an altercation with Abnash Singh son of Baldev Singh with regard to this very land. In the meantime Bheja Singh son of Baldev Singh, Dharminder Singh @ Pindo son of Avtar Singh armed with 12 bore rifle, Dilbaag Singh son of Gandhi Singh armed with Kirpan, Sunny son of Gandhi Singh armed with 12 bore rifle, Mohna son of Gandhi Singh, Nandu Son of Bitta, Phumman Singh, Sandhu sons of Desa Singh, Rajvinder Singh @ Raju son of Kewal Singh, Sona son of Kewal Singh, Akash, Amrit sons of Balli Singh, Gurwinder Singh son of Avtar Singh,



Gursevak Singh son of Sulakhan Singh armed with revolver, Baldev Singh son of Sukha Singh, Goggi-wife of Abnash Singh all residents of Village Kiralgarh had gathered there. Then Rajvinder Singh @ Raju and Abnash Singh raised a lalkara that catch hold of them, and they should be taught a lesson for not leaving space for our lane. Then Goggi wife of Abnash Singh had given her 12 bore rifle to her brother-in-law Bheja Singh aforesaid and Bheja Singh went to the second floor of the house while taking rifle along and while following him, Sunny aforesaid also went to the roof along with his 12 bore rifle. Immediately thereafter Bheja Singh fired from his rifle towards my brother Judgepal Singh @ Jojo which stuck on his head, and he fell on the roof itself. When my brother Harjeet Singh also ran and tried to come downstairs, Sunny fired shot with his rifle with an intention to kill towards him and the said shot struck in his stomach. Thereafter the above mob lifted bricks bat from the lane itself and attacked our house and they had also broken articles lying in our house. We raised an alarm of "Mar Ditta Mar Ditta" and while seeing the people gathering there, all the above said assailants ran away from the spot along with their respective weapons. This entire occurrence has been eye witnessed by my brother Surjeet Singh and my uncle Jinda Singh son of Buta Singh. Thereafter we arranged for a vehicle and took my brother Judgepal Singh and Harjeet Singh for treatment at Guru Nanak Dev Hospital, Amritsar, where my brother Judgepal Singh died. Thereafter, we took our brother Harjeet Singh to Parkash Hospital, Amritsar where he is undergoing treatment. The cause of occurrence is that we have left empty space for our convenience near our new house on which Abnash Singh intends to take illegal possession. Earlier also there was a fight between us due to this reason and now also these assailant in connivance with each other have fired shots at my brothers. And while trespassing our house they ransacked the same. Due to death of my brother in the night our entire family was under shock due to which we could not get statement recorded before your goodself. Today I along with my brother Surjeet Singh and uncle Shinda Singh have come present before you and got recorded our statement. I am the claimant and action may be taken. Sd/- Jasbir Singh said attested by Sd/- Harparkash Singh above said Police Station Lopoke Amritsar."



4. Counsel for the petitioners primarily contends that petitioner-Gurbhej Singh alias Bheja is alleged to have fired a shot from a 12-bore rifle from the roof of the house at the head of the complainant's brother, Judgepal Singh alias Jojo (deceased). Petitioner-Sharanjeet Singh alias Sharanjit Singh alias Sunny is attributed with firing a shot from his 12-bore gun on the stomach of the injured, Harjeet Singh.

5. It was submitted by counsel for the petitioners on the previous date of hearing, i.e., 09.12.2025, that the witnesses had not been examined, despite both the petitioners remaining inside jail for a period of more than three years and six months. Therefore, this Court, by issuing directions to record the statements of the complainant, injured witnesses, or any other material witness proposed to be examined by the prosecution, passed the following order, on 09.12.2025:-

*“Present: Mr. Sandeep Wadhawan, Advocate,
(through VC mode),
for the petitioner (in CRM-M-5041-2024).
Mr. Yajur Sharma, Advocate,
for the petitioner (in CRM-M-58835-2025).*

Mr. Neeraj Madaan, Sr. DAG, Punjab.

*Ms. Ishma Randhawa, Advocate,
for the complainant.*

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1. Counsel for the petitioner(s) contends that allegation against the petitioner – Gurbhej Singh @ Bheja is that he fired shot from a 12 bore gun from the roof in the head of the deceased Judgepal Singh. Petitioner – Sharanjeet Singh alias Sharnjit Singh alias Sunny is attributed with the role of firing a shot with a 12 bore gun in the stomach of the injured – Harjeet Singh.

2. It is further submitted that petitioners are in custody for a period of more than three years and six months, and prosecution evidence is yet to commence de novo, owing to the re-framing of charges pursuant to allowance of an application under Section 319 Cr.P.C. Next date fixed before the trial court for recording the statements of prosecution witnesses is 12.01.2026.



3. *List again on 09.02.2026.*

4. *Meanwhile, learned trial court and concerned District Attorney are directed to ensure that statement of the complainant/injured witness(s), or any other material witness proposed to be examined by the prosecution, be recorded.*

5. *It is, however, made clear that hearing shall not be deferred on unwarranted grounds by either side.*

6. *A copy of this order be forwarded to learned trial court for information and compliance.*

7. *A photocopy of this order be placed on the file of other connected case.”*

6. Today, counsel for the petitioners produces photocopies of the statements of the eye-witnesses, including the complainant-Jasbir Singh alias Pamma and injured eye-witness namely Harjit Singh, dated 06.02.2026, and submits that none of the said prosecution witnesses has supported the version of the prosecution.

PW-3, namely Shinda Singh, and PW-4, Surjit Singh, also deposed almost verbatim, and were accordingly declared hostile.

7. Learned counsel for the petitioners jointly submit that, as of now, there is no eye-witness account implicating the petitioners or describing their alleged roles. Thus, they jointly pray for grant of regular bail to both the petitioners in the present case.

8. In response to the arguments addressed by learned counsel for the petitioners, learned State counsel, produces the custody certificates dated 08.02.2026 of both the petitioners in the Court today, which are taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioners.

9. As per the custody certificates, in the present case, petitioner – Gurbhej Singh alias Bheja has already undergone 03 years 08 months



and 16 days period inside jail and petitioner – Sharanjit Singh has already undergone 02 years 01 month and 30 days period inside jail.

10. Learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioners, submits that role of each and every accused has been described in detail in the FIR.

He further contends that merely because some witnesses have turned hostile, no benefit can be extended to the accused persons in cases involving such heinous offences, particularly when the exercise of discretion in such matters, is of judicious in nature. Thus, he prays for dismissal of both the present petitions.

11. This Court has heard the submissions of counsel for the parties and has perused the record, including the statements of witnesses dated 06.02.2026 produced before the Court today.

12. Undoubtedly, none of the said prosecution witnesses has supported the version of the prosecution.

PW-1, Jasbir Singh alias Pamma, who, as an eye-witness, got the FIR recorded, stated in his examination-in-chief that: *“In the meantime, some unidentified persons with muffled faces came into the street and caused firearm injuries to my brother, Judgepal Singh, and also caused injuries to Harjit Singh. The accused present in the Court are not the persons who committed the murder of my brother Judgepal Singh and caused injuries to Harjit Singh.”* Consequently, the said witness was declared hostile by the Public Prosecutor and cross-examined.

PW-2, Harjit Singh, who was also injured allegedly by a shot fired by petitioner Sharanjit Singh with a 12-bore gun in his stomach,



deposed in the same manner, stating: *“In the meantime, some unidentified persons with muffled faces came into the street and caused firearm injuries to my brother, Judgepal Singh, and also caused injuries to me. The accused present in the Court are not the persons who committed the murder of my brother Judgepal Singh and caused injuries to me.”*

PW-3, Shinda Singh, and PW-4, Surjit Singh, also deposed almost verbatim and were thereafter declared hostile.

13. While there is a direct allegation against both the petitioners in the FIR, prosecution witnesses, including the injured and eye-witnesses, have largely turned hostile and failed to support the prosecution case.

14. In view of the totality of circumstances, nature of the allegations, the factors noticed here above, the prolonged incarceration of both the petitioners, and the fact that ultimate determination of the trial rests with the trial Court after a detailed examination of the unsupported witness statements, this Court does not deem it necessary to continue the detention of the petitioners.

Consequently, prayer made in both the present petitions is **allowed**. Petitioners namely Gurbhej Singh alias Bheja (in CRM-M-5041-2024) and Sharanjeet Singh alias Sharanjit Singh alias Sunny (in CRM-M-58835-2025) are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.



15. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

16. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

17. Both the present petitions stand disposed of.

18. A photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

09.02.2026
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO