



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

CRM-M No.13570 of 2026

Date of decision: 08.05.2026

Smallwell @ Smalvel @ Sam

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Hakikat Singh Grewal, Advocate
for the petitioner.

Mr. Navraj S. Mahal, DAG, Punjab
for the respondent-State.

MANDEEP PANNU, J. (Oral)

1. Present is first petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 439 Cr.P.C.) for grant of regular bail to the petitioner in case FIR No.228 dated 26.08.2023, registered under Sections 302, 34 and 120-B IPC (now Sections 103(1), 3(5) and 61(2) of the Bharatiya Nyaya Sanhita, 2023) and Sections 25 and 27 of the Arms Act, at Police Station Jandiala, District Amritsar Rural (Annexure P-1).

2. The brief facts of the case are that the aforesaid FIR No.228 dated 26.08.2023 was registered on the basis of statement made by complainant Balwinder Singh son of Sarup Singh, resident of Nathuana Gate, Jandiala Guru, Amritsar. The complainant alleged that on 26.08.2023 at about 08:00/08:30 PM, while he was returning home, he saw his son Ravi



sitting at the shop of Sonu Barber. On reaching home, he found the door of his house locked and thereafter, returned to the shop of Sonu Barber to collect the keys. It was further alleged that when he called his son Ravi to hand over the keys, two unidentified persons, who were sitting in the shop, started firing upon his son. When the complainant moved forward, the said unidentified persons fled away from the spot on their respective motorcycles. Thereafter, the complainant along with his co-villager Bikka took Ravi to Manawala Hospital, where the doctors declared him brought dead. During investigation, the complainant suffered a supplementary statement dated 27.08.2023 before the Investigating Officer alleging therein that the two unidentified persons, who had fired upon his son, were accompanied by two other unidentified persons, who were sitting on motorcycles with ignition on and after the firing incident, all the unidentified persons fled away from the spot. During custodial interrogation, co-accused Rajbir Singh alias Ram suffered a disclosure statement dated 30.08.2023 stating that though he did not know the names of the persons who had committed the murder of Ravi, however, he knew them as he had purchased heroin from them. Thereafter, the said co-accused suffered another disclosure statement dated 03.09.2023 disclosing therein that he had conducted *recce* of Ravi at the asking of his relative Bobby Bath, residing in Italy, and used to convey the movement of Ravi to Sumit, who was also related to Bobby Bath through video calls. He further disclosed that Ravi was involved in supplying heroin and that Bobby and Sumit were having enmity with Ravi on account of monetary disputes arising out of purchase of heroin. On the basis of the aforesaid disclosure statements, co-accused Sunil



was nominated in the present case vide G.D. No.26 dated 22.09.2023. Thereafter, during investigation, the present petitioner was arrested in another case i.e. FIR No.220 dated 19.08.2023 registered at Police Station Jandiala, Amritsar (Rural), wherein he suffered a disclosure statement dated 12.11.2023 disclosing therein that on 26.08.2023, Ravi was murdered at the asking of Harpreet Singh alias Happy Jatt. He further disclosed that on the said date, he was present at the house of Gopi and thereafter, Amri came there and took him to village Gunnowal, where Amri made a video call to Happy Jatt, who directed them to reach Jandiala. It was further disclosed that when they reached Jandiala, one unidentified person came on an Activa scooter and gave signal regarding the presence of Ravi in the saloon shop, whereafter Amri and another unidentified person entered the saloon and murdered Ravi. He further disclosed that Rahul, Gagandeep Singh alias Gaggi and Sahil had conducted *recce* of Ravi.

3. Learned counsel for the petitioner contends that even as per the prosecution story, the actual firing upon the deceased has been attributed to co-accused Amar Singh alias Amri and another unidentified person, who allegedly entered the saloon shop and fired shots at the deceased. It is submitted that no specific role of firing any shot has been attributed to the present petitioner. The alleged involvement of the petitioner is solely based upon disclosure statements recorded during police custody, which are not admissible in evidence except to the limited extent permissible under law. It is further submitted that no weapon or any other incriminating article has been recovered from the petitioner in the present case. Learned counsel further contends that co-accused Rajbir Singh alias Ram has already been



granted regular bail by this Court vide order dated 11.09.2024 passed in CRM-M-24735-2024. While granting bail, this Court observed that the said accused had neither fired any shot nor accompanied the assailants and the allegations against him were merely regarding conducting *recce* of the deceased. It is further submitted that other co-accused namely Rahul, Sahil and Gagandeep Singh alias Gaggi have also been granted concession of bail by learned Sessions Court vide orders dated 26.11.2024, 29.04.2025 and 07.05.2025 respectively. Learned counsel also submits that the case of the present petitioner stands on parity with the aforesaid co-accused, who have already been enlarged on bail. It is argued that the role attributed to those co-accused was also confined to conducting *recce* and they were not alleged to have actively participated in the actual firing incident. Similarly, in the present case, the petitioner has not been attributed any role of firing at the deceased and is alleged to have merely accompanied the other accused persons and to have been present at the spot. It is further contended that the investigation in the present case already stands completed and challan has been presented before learned trial Court on 08.07.2024. Charges have already been framed vide order dated 12.09.2024, however, till date not even a single prosecution witness has been examined. Accordingly, it is argued that no useful purpose would be served by keeping the petitioner in further judicial custody during the protracted course of trial.

4. On the other hand, learned State counsel has opposed the present petition and submits that serious allegations are levelled against the petitioner in a case involving offence under Section 302 IPC. It is argued that though the petitioner may not have fired at the deceased, however, as per the



prosecution case, he was present at the spot at the time of occurrence and had accompanied the co-accused persons. Learned State counsel further submits that the petitioner, in his own disclosure statement, admitted that he had accompanied the co-accused persons to the place of occurrence and was present when the murder of Ravi was committed. It is thus argued that the petitioner was an active participant in the conspiracy and commission of the offence and, therefore, does not deserve concession of regular bail. Learned State counsel, on instructions from the Investigating Officer, however, does not dispute the fact that as per the custody certificate filed before this Court, the petitioner has undergone actual custody of 2 years, 5 months and 23 days. It is further not disputed that till date no prosecution witness has been examined before learned trial Court.

5. I have heard learned counsel for the parties and have gone through the paper-book.

6. Without commenting upon the merits of the case lest it may prejudice either side during trial, this Court finds that even as per the prosecution version, the actual role of firing upon the deceased has been attributed to co-accused Amar Singh alias Amri and another unidentified person. No specific allegation of firing any shot at the deceased has been attributed to the present petitioner. The role assigned to the petitioner is primarily that he accompanied the co-accused persons and remained present at the spot.

7. This Court further finds that co-accused Rajbir Singh alias Ram, against whom allegations of conducting *recce* were levelled, has already been granted regular bail by this Court. Similarly, other co-accused



namely Rahul, Sahil and Gagandeep Singh alias Gaggi, who were also attributed the role of conducting *recce* of the deceased, have already been enlarged on bail by learned Sessions Court. Thus, the case of the present petitioner stands on parity with the aforesaid co-accused, particularly when the petitioner is not alleged to be one of the assailants who actually fired at the deceased.

8. This Court also cannot lose sight of the fact that the petitioner has already undergone incarceration for a period of 02 years, 05 months and 23 days and the investigation in the present case already stands completed. Challan has been presented before the competent Court and charges have already been framed. However, despite the passage of substantial time, not even a single prosecution witness has been examined till date, which indicates that the conclusion of trial is likely to take considerable time.

9. Keeping in view the aforesaid facts and circumstances, the long period of custody undergone by the petitioner, the fact that no specific role of firing has been attributed to him, the parity with co-accused who have already been granted bail, the completion of investigation and the likely delay in conclusion of trial, this Court is of the considered opinion that further incarceration of the petitioner would serve no useful purpose.

10. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned and subject to the conditions as may be imposed by the said Court.



- 11. All pending applications, if any, also stand disposed of.
- 12. However, nothing observed herein shall be construed as an expression on the merits of the case.

08.05.2026
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(MANDEEP PANNU)
JUDGE

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