



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

219

CRM-M-15477-2026

Date of decision : 29.04.2026

Date of uploading : 29.04.2026

Gurdeep Singh @ Deepa

.....Petitioner

Versus**State Of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gurinder Singh Dhot, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.248, dated 13.08.2023 under Sections 302, 34, 120-B of the IPC and Section 25 of Arms Act, registered at Police Station City Rajpura, District Patiala.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"At this time, one statement of Ashwani Kumar s/o Sham Nath, r/o house no. 2339, Arya Samaj Mandir Road, Rajpura Town, aged about 52 years, mobile no. 87279-04848 was received to INSP Rajesh Kumar in the Police Station through C Abhishek Sharma 2447 for registration of case/ FIR under the offence 302 of IPC against unknown accused/ accused persons. The contents of the same are as under, Statement of Ashwani Kumar s/o Sham Nath, r/o house no. 2339, Arya Samaj Mandir Road, Rajpura Town, aged about 52 years, mobile no. 87279- 04848, it is stated that I am resident of above said address and I am a doctor by profession and my cousin Dinesh Kumar Goswami @ Manu, aged about 41 years, s/o Sushil Kumar, r/o house no. 38, Durga Colony, Rajpura was running a clinic in Guru Angad Dev Colony, Jandoli Road, Rajpura and he was known as Jhandi Wala Doctor. Who was opened his shop daily from 08.00 AM to 9/ 10.00 pm. On 12.08.2023 at about 11/11.15 PM, I came to know that



above said Dinesh Kumar is admitted in AP Jain Hospital due to injury and thereafter, I along with my wife Rajni Bala reached in AP Jain Hospital, Rajpura, where the wife of Dinesh Kumar and other relatives were already present, where I came to know that that at about 10/ 10.30 PM, some unknown persons have given a blow of some sharp object above the right eye of Dinesh Kumar, due to which he sustained injury on his right eye and above it. Due to serious condition, Dinesh Kumar was referred to Government Hospital, Sector 32, Chandigarh and we were taking him in the Ambulance, but he died on the way before Zirakpur. Then, we got kept his dead body in the mortuary of Government Hospital, Sector 32, Chandigarh. The murder of Dinesh Kumar is committed by some unknown persons with the blow of sharp object. I have got recorded my statement and the same is admitted to be correct after having heard the same. Legal action be taken. Sd/- Ashwani Kumar. Attested by Sd/- Mirdul Bansal s/o Lal Chand, r/o 222, Block J/ 3, Gobind Colony, Rajpura. Attested by Sd/- Rajesh Kumar, Station House Officer, Police Station City Rajpura, dated 13.08.2023.

Police Action: Today one telephonic call received from Police Post Chandigarh, GMCH, Sector 32, Chandigarh through Constable Irfan Ali no. 6379 that Dinesh Yogeshwar s/o Sushil Kumar aged 43 years came brought dead referred from AP Jain Hospital, Rajpura vide CR No. 230808602. I.O. be sent for action. Upon which, myself Inspector along with ASI Avtar Singh 580/ Patiala, Incharge Police Post K.S.M., Rajpura, ASI Gurpreet Singh 1986/ Patiala, ASI Rajpal 1358/ Patiala, Constable Baldev Singh 1299/ Patiala, Sipahi Mehakdeep 2927/ Patiala and Sipahi Abhishek Sharma 2447/ Patiala boarded in Government vehicle no. PB-11-CF-3819 driven by ASI Ajaib Singh no. 3106 reached to Durga Mandir Chownk, then the above said Ashwani Kumar and above said Mridul Bansal got recorded their statements, which were read over to them word to word and they appended their signatures on the same in English after having heard and admitting the same to be correct, which was corroborated by above said Mridul Bansal by appending his signature in English. From the statement, offence U/s 302 of IPC is found to have been committed and statement was sent to Police Station through Constable Abhishek Sharma 2447/ Patiala for registration of case/ FIR under the above said offence against the unknown accused/ unknown accused persons. Case number be informed after registration of FIR. Higher Officers, Incharge Control Room and M.F.S.L. be informed. Special reports be issued. Myself ASI along with other employees is leaving for inquiry. Place: Durga Mandir Chownk, at 01.30 PM. Sd/- Rajesh Kumar, Station House Officer, Police Station City Rajpura, Dated 13.08.2023, "Upon receiving the statement, above said case under the above said offence against the unknown accused/accused persons has been registered. Record has been completed. Copies of FIRs as Special Reports are being sent to Illaqa Magistrate and Higher Officer through CT Manpreet Singh no. 2252/ Patiala, Incharge Control Room, Patiala is being informed through wireless message. Case file along with original statement is being sent to Inspector Rajesh Kumar, Station House Officer, Police Station City Rajpura through CT Abhishek Sharma 2447 for investigation. DDR No. 29 at 02.20 PM, Date 13.08.2023."

3. As per the further allegations, footages of CCTV cameras installed in the vicinity were collected. A telephonic information was received on 28.11.2023 to the effect that the petitioner along with co-accused, who were arrested in another case bearing FIR No.102, dated



22.11.2023, at Police Station Sadar Rajpura, had been interrogated and suffered disclosure statements admitting their involvement in the murder of the victim. Petitioner and co-accused were joined into investigation of this case and were formally arrested on 29.11.2023. They suffered disclosure statements admitting their involvement in the crime by saying that by hatching a conspiracy with each other, they had entered the shop of the victim and had committed his murder by firing shots upon him and had taken away cash amount kept in his shop. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

3.1 It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statements allegedly suffered in some other case jointly with the co-accused, which cannot be considered to be admissible in evidence. No incriminating article has been recovered at his instance. He is in custody for a period of over 02 years, 04 months and 26 days. The trial will take considerable time to conclude since only 01 out of 29 prosecution witnesses has been examined so far. No specific act has been attributed to him. There is no eye witness to the occurrence. It is a case of circumstantial evidence. There is no circumstance to connect him with the subject crime. His further incarceration would not serve any useful purpose. It is, thus, argued that he deserves to be extended the benefit of bail.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned



State counsel seeks to place on record custody certificate dated 28.04.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 29.11.2023 wherein after investigation was carried out and challan stands presented on 23.02.2024. Total 29 prosecution witnesses have been cited but only 1 has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 28.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years 4 months and 26 days & is shown to be involved in other cases. As per the said custody certificate, the petitioner is stated to be involved in more cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR.

Reliance in this regard can be placed upon the judgment of the Hon'ble



Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the



petitioner.

- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 11. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

29.04.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No