

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****216****CRM-M-23685-2026****Date of Decision: 04.05.2026****GURSHARAN SINGH ALIAS YADWINDER SINGH ... PETITIONER****VERSUS****STATE OF PUNJAB****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. G.S.Dhillon, Advocate for the petitioner.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 483 of the BNSS, 2023 (erstwhile Section 439 Cr.P.C) for grant of regular bail to the petitioner in FIR No. 0196 dated 26.11.2022 under Sections 364 of IPC (now Section 140(1) of BNS, 2023) offence under Sections 364-A/120-B of IPC (now Section 140(2)/61(2) of BNS, 2023) were added and offence under Section 364 of IPC (now Section 140(1) of BNS) was deleted vide DDR No. 26 dated 12.12.2022, offence under Sections 302,201 of IPC (103(a) /238 of BNS, 2023) were added vide DDR No. 32 dated 17.12.2022 and 212/216 of IPC (now Sections 249/253 of BNS, 2023) were added vide DDIR No. 29 dated 15.09.2023 was registered registered at Police Station, Kotbhai, District Sri Muktsar Sahib.

2. The case of the prosecution is that the petitioner, along with his co-accused, kidnapped Harman son of the complainant who had gone to the school ground to watch games, and thereafter murdered him for ransom of Rs.30 lakhs.

3. Learned counsel for the petitioner submits that initially the FIR was registered against unknown persons. He further submits that during the course of



investigation, the police recorded the statements of Jagmeet Singh @ Nikku, Jagmeet Singh @ Mosi, Akashdeep Singh @ Akash, Gursewak Singh @ Mithan, Navjot Singh @ Jyoti and Malkeet Singh, who were stated to be involved in the occurrence. Thereafter, on the basis of a supplementary statement of the complainant, Mandeep Singh @ Gaggu, Manpreet Singh @ Pita, Parminder Singh @ Lalu, Ramandeep Kaur, Seema Rani and Senha Rani were also implicated in the present case. He further submits that there is delay in lodging the FIR and the same has not been explained by the prosecution. Learned counsel further submits that nothing has been recovered from the petitioner and he has been in custody since 17.02.2023. He contends that the petitioner has been nominated on the basis of the statement suffered by a witness, namely Jagjeet Singh @ Kaka, who allegedly disclosed that he had seen Navjot Singh @ Jyoti, Manjit Singh @ Manjit Singh, Simrajit Singh @ Simra and the present petitioner talking about kidnapping someone for ransom. He further submits that the said witness Jagjeet Singh has been given up and, apart from the said statement, there is no other evidence on record to connect the petitioner with the alleged offence.

4. Notice of motion.

5. Mr. P.S.Pandher, Assistant.A.G, Punjab accepts notice on behalf of the respondent-State. He has vehemently opposed the prayer made by learned counsel for the petitioner for the grant of regular bail on the ground that the petitioner was involved in a criminal conspiracy which resulted in the death of Harman Singh. He has filed the custody certificate of the petitioner in the Court today and the same is taken on record. As per the custody certificate, the petitioner has been in custody for the last 03 years, 02 months and 11 days and is not involved in any other case.



6. I have heard the submissions made by the parties and gone through the record.
7. Keeping in view the facts and circumstances of the case and considering the fact that the only witness has been given up; the petitioner is in custody for the last 03 years, 02 months and 11 days; the petitioner is not involved in any other case; and the trial is likely to take a considerable time to conclude, no useful purpose would be served by further incarceration of the petitioner. Therefore, this Court deems it appropriate to grant the concession of regular bail to the petitioner during the pendency of the trial.
8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
9. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.
10. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulging in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.
11. Pending applications, if any, shall also stand disposed of.

04.05.2026
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(H.S.GREWAL)
JUDGE

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