



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-25035-2026
Decided on : 26.05.2026

Jagmeet Singh . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Nikhil Anand, Legal Aid Counsel (through V.C.)
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Jagmeet Singh	167	29.08.2024	S. 109, 132, 221 of BNS, 2023 (erstwhile Sections 307, 353, 186 of IPC) and Section 25 of Arms Act, 1959 [S. 111(1), 111(2), 111(3), 111(4) of BNS, 2023, newly added Sections in BNS, but not provided in IPC] [S. 54, 59, 25(6,7,8) of Arms Act, added later on]	City-1	Moga

2. After hearing learned counsel for the petitioner on 08.05.2026, following was recorded:-

“2. As per allegations of the prosecution, on 29.08.2024, ASI Sukhwinder Singh along with ASI Gurjit Singh, ASI Harjinder Singh, C-II Lovejit Singh, S/C Jagjit Singh, PHG Ranjit Singh, were going on official Bolero vehicle bearing registration no.PB08AY-2800 and same was being driven by S/C Davinderpal Singh. When police party, armed



with weapons was going from main road to Delhi Colony Moga, then one Activa scooter of white colour boarded by two persons with muffled faces, was noticed. On the basis of suspicion, they were signaled to stop their Activa scooter, however, they started firing upon the police party and then tried to sped away, but scooter got slipped, they fell down. By taking advantage of darkness, they tried to ran away here and there, however, police party opened fire in air and in the foot of accused persons but accused persons also retaliated and started firing upon the police party. One of the fired shot hit below the right knee of one of them and both of them were thereafter apprehended by ASI Sukhwinder Singh with the help of police party and on asking, injured person disclosed their name as Jagmeet Singh alias Meeta son of Randhir Singh, resident of back side Gogi da Aara, Bahona Chowk, Moga and one country made pistol 32 bore along with magazine was recovered from him. Second person disclosed his name as Vikas Kumar alias Kassa son of Varinder Kumar, resident of Pahara Singh Chowk, Moga and from his possession also, one pistol 32 bore along with two live cartridges of 32 bore were recovered. Accordingly, present FIR was registered against both the accused.

3. *Learned counsel for the petitioner submits that by projecting fake encounter, petitioner has been implicated as accused in the present case and on that account he is in judicial lock up since 29.08.2024. Further submits that with the allegation of firing upon the police party of petitioner alongwith other accused, have been implicated for committing offence under Section 109, 221 of BNS and on account of alleged recovery of 32 bore pistol and cartridges offence under Section 25 of Arms Act has also been invoked.*

Infact, it is the petitioner, who has been victimized because of the shot fired by the police in the right knee of him, whereas no one from police party is injured.

4. *Whether the allegations are true or false, determination of this fact would definitely take long time especially when the case in which most of the witnesses are official are not even appearing before the Court to depose in the case, despite granting 13 opportunities.*

5. *Learned State counsel prays for time to file status report.*

6. *List again on 26.05.2026.”*

3. Today, while continuing his submissions, learned Legal Aid Counsel for the petitioner has referred to the zimni orders dated 02.01.2025



to 27.03.2026 (Annexures P-2 to P-14 respectively) and submits that despite grant of 13 opportunities, none of the official prosecution witnesses has stepped into the witness-box.

It is further submitted that the petitioner is inside the jail since 29.08.2024 and solely on account of non-appearance of the official witnesses, the trial is not progressing at the required pace. Accordingly, prayer has been made for grant of concession of regular bail to the petitioner.

4. On the other hand, learned State counsel has produced custody certificate dated 24.05.2026 and status report dated 25.05.2026 in Court today, which are taken on record. Office is directed to tag the same at the appropriate place.

Copies thereof have been handed over to learned counsel for the petitioner.

5. Learned State counsel, while vehemently opposing the prayer for bail, submits that apart from the present case, petitioner is involved in two other criminal cases and, therefore, being a habitual offender, he does not deserve concession of regular bail.

However, learned State counsel is unable to furnish any satisfactory explanation regarding non-appearance of the official prosecution witnesses despite grant of 13 consecutive opportunities, as reflected from the zimni orders appended as Annexures P-2 to P-14.

6. I have heard learned counsel for the parties and perused the relevant material available on record with their able assistance.

7. The present case is yet another example reflecting the conduct of official witnesses (police officials), who despite repeated opportunities and notices, are not appearing before the trial Court, thereby causing delay



in conclusion of trial and creating a situation where the accused finds ground to seek concession of bail on account of prolonged incarceration.

The conduct of the concerned police officials, who have repeatedly failed to appear before the trial Court, deserves to be examined by the Senior Superintendent of Police, Moga.

Be that as it may, for the aforesaid reasons, incarceration of the petitioner cannot be prolonged indefinitely. Petitioner has remained inside jail since 29.08.2024 and trial has not progressed for reasons not attributable to him.

Accordingly, without commenting upon the merits of the case, this Court is of the considered view that further detention of the petitioner inside the jail would not serve any useful purpose.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

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

9. 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.

10. Petition stands **disposed of**.



11. Before parting with the present order, this Court observes that the conduct of the official witnesses, who failed to appear before the trial Court despite repeated opportunities, requires examination by the competent authorities. Accordingly, let a copy of this order be forwarded to the Senior Superintendent of Police, Moga, for holding an inquiry into the conduct of the concerned police officials. In case any official is found at fault, appropriate action be taken against such police official(s) in accordance with law.

Let the decision taken by the Senior Superintendent of Police, Moga, be apprised to this Court before the next date of hearing.

12. Only for the aforesaid limited purpose, list again on **31.07.2026**.

13. A copy of this order be also handed over to Mr. Deepender Singh, learned Addl. Advocate General, Punjab, who had also addressed arguments on the same issue before this Court during the morning session in **IOIN-1-CRM-M-2543-2026 IN CRM-M-2543-2026**, titled as "*Bhinder Singh @ Bhinda v. State of Punjab*", in the presence of Mr. Parveen Kumar Sinha, DG, Law & Order, Punjab Police, to enable him to take up the issue with the authorities concerned.

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

May 26, 2026

J.Ram

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