



CRM-M-34355-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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Decided on : 17.03.2026

Nitin alias Nitin Nahar

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present : Mr. Raghav Soni, Advocate  
for the petitioner(s).

Mr. Jasdeep Singh Gill, Addl. A.G., Punjab

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**SANJAY VASHISTH, J. (Oral)**

1. The 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 hereunder:-

| Name of Petitioner(s)                  | FIR No. | Date       | Section(s)                                               | Police Station | District |
|----------------------------------------|---------|------------|----------------------------------------------------------|----------------|----------|
| Nitin alias Nitin Nahar, aged 24 years | 18      | 10.02.2020 | 302, 120-B, 34 IPC and Section 25, 27 54, 59 of Arms Act | Beas           | Amritsar |

2. On account of committal of murder of Sukhmanpreet Singh, his father Manjit Singh got registered impugned FIR, which reads as under:

*“Statement of Manjit Singh son of Sadhu Singh Gulshan, Caste Jat, resident of Patti Narangpur Butala, District Amritsar aged about 59 years. Stated that that I am resident of above-mentioned address and I am refired from Amritsar Corporation. I have two sons. Elder one is Harmanpreet Singh aged 28 years*



*who is working as Ahlmad in the Courts at Baba Bakala Sahib, younger to him is Sukhmanpreet Singh aged 24 years who has done course of ETT and Footwear and has come from Canada for the last 7-8 months and is now doing the house hold work. On 09.02.2020, my son Sukhmanpreet Singh along with his friends in the marriage ceremony of son of Inderpal Singh resident of Gagrewal in his Scorpio vehicle bearing No. PB-89-9001 color black and went at Jamba Palace G.T.Road Dhilwan. On 10.02.2020 at about 12:30/ 12:45 A.M. at night time he came back to his house on his vehicle. When he was parking his vehicle after opening the main gate, then some unidentified persons came in a vehicle and fired shots towards my son Sukhmanpreet Singh who was sitting in his Scorpio vehicle which bullet hit in his chest and then those persons ran away from the spot in their vehicle. My son Sukhmanpreet Singh entered the house in injured condition and immediately on coming fell on the courtyard and has expired. Then we after arranging for the vehicle took him at Civil Hospital, Baba Bakala but he had died. I have leave my elder son Harmanpreet Singh and relatives near the body of my son Sukhmanpreet Singh with relative to come to inform you that you have met us. Action be taken..”*

3. Learned counsel for the petitioner argues that the FIR has been registered against unidentified/unknown persons and when complainant- Manjit Singh appeared in witness box as PW-1, he failed to identify the petitioner.

4. On 21.04.2020, during investigation when complainant met his another son Harmanpreet Singh, he identified accused Hardeep Singh as the same person, who had fired shot towards the right side of chest of Sukhmanpreet Singh. Also identified Akashdeep Singh as the same person, who was sitting on front seat of the car adjoining the driver seat and also identified Nitin as the same person, who was sitting on the back side of car on the day of occurrence. While proving the identification memo, complainant in his statement dated 29.11.2022 (examination-in-chief) has given elaboration regarding identification of all three accused.

5. Addressing the submissions, learned counsel for the petitioner argues

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that both the other accused namely Akashdeep Singh vide order dated 12.09.2024 passed in CRM-M-3806-2024 and Hardeep Singh vide order dated 27.08.2025 passed in CRM-M-52193-2024 have been released on bail. Thus, submits that he is also entitled for the same relief being only present on spot and not attributed any active role in the incident, except of joining the company of the other assailants at the time of incident. Counsel further refers the statement dated 18.05.2023, which was recorded after period of more than five months from commencement of the cross examination of the same witness (Manjit Singh-PW-1). It is stated as under:

*“I and my son Harmanpreet Singh did not identify the accused at the spot as the assailants were unknown person to me. The accused produced thorough VC are not the assailants who committed murder of my son Sukhmanpreet Singh. I did not make any statement against the accused. I have seen the accused first time in the court through V.C.”*

6. Thereupon learned APP got the witnesses declared hostile and then proceeded for cross-examination.

7. I have considered the submissions and noticed that undisputedly other two co-accused namely Akashdeep Singh was granted bail 12.09.2024 and Hardeep Singh was granted bail on 27.08.2025 by the Coordinate Bench of this Court, and deposition of the said witness was also taken note of. Finding recorded in the bail order of Hardeep Singh, in regard to turning hostile of the witness Manjit Singh (PW-1) reads as under:

*2. Learned counsel for the petitioner contends that the FIR in question was lodged against unknown persons by the father of the deceased, wherein it was alleged that on the night of 09.02.2020 when the deceased was parking his car, two unidentified persons came to*



*the spot and thereafter fired indiscriminately resulting in the deceased sustaining fatal injuries. Learned counsel has argued that the petitioner and the co-accused came to be nominated as an accused after both of them suffered an extrajudicial confession before Ex-Sarpanch Ajaib Singh. Learned counsel has submitted that although it is a case based on eyewitness account, however, the most material witness i.e. the father of the deceased PW-1 Manjit Singh, while stepping into the CRM-M-52193-2024 2 witness box, had failed to identify the petitioner as being the person, who had fired at the deceased, as a result of which he was declared hostile. In support, learned counsel has placed on record the deposition of PW-1 Manjit Singh, wherein the said fact clearly stands reflected. Learned counsel has, therefore, submitted that in the aforementioned facts and circumstances, more so when identically placed co-accused Gulab Singh has also been extended the concession of bail, similar relief be extended to the petitioner more so when now he has been in custody since 16.04.2020 and 17 prosecution witnesses still remain to be examined.*

3. *Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the most material witness i.e. PW-1 Manjit Singh, who purportedly witnessed the occurrence in question, had failed to identify the petitioner during trial as a result of which he was declared hostile. It has also not been disputed that co-accused Gulab Singh, Sukhjinder Singh and one Akashdeep Singh have since been extended the concession of bail.*

8. Though, it appears that both the statements recorded in two parts and with a big time gap was not produced before the Court, therefore, the Court could not notice and also not apprised by the State counsel that the declaration of the witness as hostile was after a period of five months, when a question was asked in



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the cross-examination by the defence counsel.

9. At this stage, this Court would not like to give its opinion as to whether answer given in the cross-examination, witness could be declared hostile or won over witness by the defence side. Be that as it may, the Court can not ignore that the accused, who is attributed a graver role i.e. Hardeep Singh has been released on bail by the Coordinate Bench of this Court. Moreover, the petitioner has also remained inside jail for the last more than a period of 03 years, 06 months and 03 days can not be discriminated. However, the aspect which has been observed in case would definitely be determined by the trial Judge while concluding the trial in accordance with law.

10. Learned State counsel, opposed the prayer and submissions advanced by learned counsel for the petitioner, however, he does not deny the fact that petitioner is in custody since 30.05.2020, thus, prays for dismissal of bail.

11. This Court has heard the submissions addressed by learned counsel for the parties and has carefully perused the record available before it.

12. Without expressing any opinion any opinion on any part of the factual aspect and noticing that Akashdeep Singh and Hardeep Singh have already been released on bail, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

13. 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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

14. Copy of the order be forwarded to the trial Court for acknowledging the noticing of legal aspect in the present case.



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

15. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

16. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

17. Petition stands disposed of.

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

(SANJAY VASHISTH)  
JUDGE

March 17, 2026

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