

2026:PHHC:022650



244 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64817-2025
Date of Decision: 12.02.2026

Amarjit Singh (@ Manna & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Gurnoor Singh Sethi, Advocate
for the petitioners.

Mr. Gurdeep Singh, AAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioners, accused in case FIR No.34 dated 06.03.2025 registered against them, under Sections 103(3) and 103(5) BNS (Section 238 BNS added later on) and Section 25 of the Arms Act, at Police Station Jandiala, Distt. Amritsar (Rural), have filed the present petition for grant of bail under Section 483 of BNSS.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

“Lakhwinder Kaur W/o Kabal Singh, R/o House No.185, Mohlla Sekhupura, Ward No.5, Jandiala Guru, Distt. Amritsar set the criminal law in motion by filing a complaint pointing therein that at about 10:30 p.m. on 05.03.2025, her son Manpreet Singh along with his friends namely Shivpreet Singh (petitioner No.2), Amarjit Singh (petitioner No.1) and one Sajjan had gone to village Gunowal, on their respective vehicles. At about 11:00 p.m. her daughter-in-law Prabhjit Kaur (wife of Manpreet Singh) inquired about her husband from petitioner No.1, who told her

that Manpreet Singh had suffered gunshot injuries and that all of them were taking him to Sri Guru Ram Dass Hospital, Amritsar. Immediately, thereafter she(c) and her daughter-in-law reached hospital where the unfortunate news was brought to their notice that her son Manpreet Singh has passed away. Complainant and her daughter-in-law noticed that the friends of Manpreet Singh were not present in the hospital. She suspected that all three friends of her late son Manpreet Singh namely Shivpreet Singh (petitioner No.2) and Amarjit Singh (petitioner No.1) and Sajan have played a constructive role in committing murder of her son. On her complaint, a formal case vide FIR No.34 dated 06.03.2025 u/s 103(3) and 103(5) BNS (Section 238 added later on) and Section 25 of the Arms Act, Police Station Jandiala, Distt. Amritsar (Rural) was registered. During the course of the investigation, apart from recording the statements of the witnesses post-mortem examination of the deceased was got conducted. The doctors conducting the examination opined as follows:

“All the injuries are ante mortem in nature and as a result of discharge of firearm. Cause of death in this case is hemorrhage and shock as a result of injury sustained which is sufficient to cause death in ordinary course of nature.”

The petitioners were specifically named in the FIR and were arrested on 07.03.2025. During the course of interrogation, they narrated the manner in which the incident occurred and disclosed that co-accused Pargat Singh had fired gunshot at Manpreet Singh. Consequently, based on the disclosure statement co-accused i.e. Pargat Singh was arrested on 12.05.2025, who disclosed that they all in connivance with each other had committed murder of Manpreet Singh. Though the reason why the act was committed was not elaborated by anyone. Admittedly, the incident was not captured in the CCTV footage. It is further the case of prosecution that no recovery of arm i.e. pistol was effected at the instance of any of the accused.”

After the case was committed to the Court of Session, petitioners and other accused were charge-sheeted. During the

course of trial, mother of the deceased i.e. complainant of the present case namely Smt. Lakhwinder Kaur while appearing as PW1, did not support the case of the prosecution and resiled from her statement given to the police authorities. Similar is the position with respect to the wife of the deceased and one of the other relevant witness i.e. brother-in-law of the complainant namely Avtar Singh. The three of them were subjected to rigorous cross-examination, after having been declared 'hostile' on the request of Ld. APP, but nothing fruitful to support the case of the prosecution could be elicited therefrom.

3. Application for grant of bail moved by the petitioners-accused was dismissed by Ld. ASJ, Amritsar vide order dated 23.09.2025. Aggrieved of the same, the present petition has been filed.

Learned counsel for the petitioners contends that petitioners have been falsely implicated. Falsity of the case set up by prosecution is apparent from the fact the star witnesses of prosecution story did not support the case while appearing in the witness box. Even then, it is quite apparent that completion of trial would take lot of time, thus, further incarceration of the petitioners, who have been in custody since 07.03.2025 would not serve any useful purpose as the same would be violative of the fundamental rights guaranteed under Article 21 of the Constitution of India. On the basis of the above submission, it has been prayed to take lenient view in favour of the petitioners, who undertakes to abide by all the conditions. Prayer for allowing the petition has been made.

4. *Per contra*, while opposing the request for grant of bail, learned State counsel contends that in view of the reasons and the gravity of the incident, no lenient view deserves to be taken in favour of the petitioners, who were specifically named by the mother of the deceased, if extended the concession of bail, there is every likelihood of them fleeing from the process of the justice by not appearing in the Court. Dismissal of the petition has been prayed for.

On a pointed query raised by this Court, learned State counsel admits that the incident was not captured in the CCTV camera as also that no recovery of the weapon of offence was made at the instance of any of the accused including the present petitioners.

6. I have heard the learned counsel for the parties and have gone through the documents on record.

7. In view of the submissions made by learned counsel for the petitioners, as also taking note of the fact that petitioners have been in custody since 07.03.2025, the Court is of the opinion that the prospect of trial being concluded in the near future is quite remote and further detention of the petitioners would not only be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial but would also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

In ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012(1) RCR (Criminal) 586,*** Hon'ble Supreme Court upheld the order of the High Court in granting bail to the second respondent/accused on the ground that he had been in custody for a long period and the possibility of the trial being concluded in the near future was remote.

Resultantly, petitioners are granted the concession of bail subject to their furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioners shall abide by the following conditions:-

- (i) *The petitioner will not tamper with the evidence during the trial.*
- (ii) *The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iii) *The petitioner shall not leave the country without prior permission of the trial Court.*
- (iv) *The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*

- (v) *The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vi) *The petitioner shall not in any manner misuse his liberty.*
- (vii) *The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (viii) *The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (ix) *The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

12.02.2026
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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