

2026:PHHC:043409



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-69449-2025 (O&M)

Harmal Singh @ Harman @ Kaka Singh and another ...Petitioners

Versus

State of Punjab ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	17.03.2026
2	The date when the judgment is pronounced	20.03.2026
3	The date when the judgment is uploaded on the website	20.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P. K. S. Phoolka, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

- Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 94 dated 02.07.2024, registered under Sections 103, 109, 118, 118(1), 118(2), 115(2), 117(2), 191(3), 190, 61(2) of BNS at Police Station Talwandi Sabo, District Bathinda.
- The aforementioned FIR was registered on the statement of complainant Jagroop Singh on the allegations that on the night of 01.07.2024, after dinner, all family members were sleeping in the courtyard in front of their

2026:PHHC:043409



respective rooms. His brother Shamsher Singh @ Sheru was sleeping separately with his wife Harpreet Kaur and their children, with a cooler placed in front of their room. At about 12:00/12:30 midnight, on hearing the cries of Harpreet Kaur, the complainant and his parents rushed to the spot. In the light of an electric bulb, the complainant saw that Gurjeevan Singh @ Jeevan, Jasveer Singh @ Gaggu, Resham Singh and Babbu Singh, armed with weapons, along with 5-6 unknown persons armed with sticks, were assaulting Shamsher Singh and Harpreet Kaur. When the complainant and his parents intervened, they were also attacked. The assailants fled from the spot with their weapons after noticing that the victims had sustained serious injuries. The injured were first taken to Civil Hospital, Talwandi Sabo, then referred to Civil Hospital, Bathinda, and subsequently to AIIMS Bathinda, where Shamsher Singh succumbed to his injuries. The motive alleged was that Harpreet Kaur had solemnized a second marriage with Shamsher Singh about 4-5 years earlier, which had caused resentment among Gurjeevan Singh and others.

3. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim and inquest proceedings were conducted. During the course of investigation, on 22.09.2024, the name of the present petitioners surfaced in the supplementary statement of the complainant as well as during the interrogation of co-accused Jasveer Singh and Gurjeevan Singh. The petitioners were arrested on 02.11.2024 and 01.11.2024, respectively. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioners along with the co-accused are facing trial for commission of aforementioned offences.

2026:PHHC:043409



4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They were not named in the FIR. They have been nominated in this case on the basis of the disclosure statements of the abovenamed co-accused, which cannot be considered to be admissible in evidence. The supplementary statement of the complainant was got recorded after a period of about two months of the incident, in which they were named by him, which clearly indicates that it was an outcome of afterthoughts. The petitioners have clean antecedents. Investigation has since been completed and challan has been presented. During the course of trial, witness Harpreet Kaur, who is wife of the deceased victim, had stepped into witness box as PW-1 and had turned hostile as she did not identify the petitioners as the assailants of her husband and herself. The petitioners are in custody since long. Conclusion of trial would take considerable time. No useful purpose would be served by keeping them in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioners deserve to be released on regular bail.

5. Reply has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioners, they are not entitled to get benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. A perusal of the record reveals that admittedly, the petitioners were not named in the FIR and their involvement surfaced subsequently, firstly in the disclosure statements of co-accused and thereafter in the supplementary statement of the complainant recorded after a delay of about two months from

2026:PHHC:043409



the date of occurrence. The evidentiary value of such disclosure statements is limited and cannot, by itself, be made the sole basis to deny the concession of bail at this stage. It is further significant to note that wife of the deceased, who was a star prosecution witness and was also an eyewitness to the occurrence, namely Harpreet Kaur (PW-1), has not supported the prosecution case qua the present petitioners and has failed to identify them as assailants while stepping into the witness box. She has even denied to making any statement before the police. This development materially affects the prosecution case, at least prima facie, insofar as the role attributed to the petitioners is concerned. The investigation in the present case stands completed and challan has already been presented. The petitioners are in custody since 01/02.11.2024 and the trial is likely to take considerable time to conclude. The petitioners are stated to have clean antecedents and there is nothing on record to suggest that they are likely to abscond or tamper with prosecution evidence if released on bail. Keeping in view the aforesaid facts and circumstances, this Court is of the view that the petitioners have made out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioners are ordered to be released on regular bail, subject to their furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) they shall not leave the country under any circumstance without permission of the learned trial Court.

2026:PHHC:043409



- (iii) they shall appear before the learned trial Court as and when directed.
- (iv) they shall provide their address where they would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) they shall upon their release give their mobile phone numbers to concerned IO/SHO and shall keep their mobile phone switched on all times.

8. In the event of there being any FIR/complaint lodged against the petitioners, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.
9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20.03.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No