



CRM-M-70289-2025

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**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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Date of Decision: 24.02.2026

KAKA @ VISHAL SHARMA

... Petitioner

VERSUS**STATE OF PUNJAB**

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Ms. Samanpreet Kaur, Advocate and
Mr. Harmanpreet Singh, Advocate for the petitioner.
Mr. Rishabh Singla, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS for grant of regular bail in case FIR No.140 dated 15.06.2024 under Sections 364, 365 of IPC (Sections 302, 201, 34 of IPC added later on) registered at Police Station Jandiala, District Amritsar Rural.
2. The case of the prosecution is that an FIR was registered on the complaint of one Manjit Kaur regarding the missing of her son Harpreet Singh (deceased). On 15.06.2024, co-accused Deepu was arrested and he allegedly suffered a disclosure statement to the effect that he, along with the present petitioner and co-accused prince, had given beatings to the deceased. Thereafter, co-accused Deepu allegedly got recovered the skeleton of the deceased Harpreet Singh as well as his burnt clothes.



3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has neither committed any offence nor has any connection with the alleged occurrence. She further submits that the petitioner has been implicated solely on the basis of the disclosure statement made by co-accused Deepu. Moreover, the complainant, Manjit Kaur, has stepped into the witness box as PW-1 and has not supported the case of the prosecution. It is further submitted that the petitioner has been in custody since 16.07.2024.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner, along with co-accused Deepu and Prince, allegedly murdered Harpreet Singh after abducting him and thereafter burnt his dead body so that it could not be identified. He has filed the custody certificate of the petitioner in Court today and the same is taken on record as per which the petitioner is in custody for the last 01 year 07 months and 05 days. It is further submitted that out of 22 cited prosecution witnesses, only 04 have been examined so far.

6. I have heard the submissions of ld. counsel for the parties and perused the record.

7. After hearing the rival contentions of learned counsel for the parties and keeping in view the facts and circumstances of the case and the fact that the petitioner is in custody for the last 01 year 07 months and 05 days; not involved in any other case; out of 22 cited prosecution witnesses, only 04 witnesses have been examined so far; the trial is likely to take a long time to conclude, this Court is of the opinion that the petitioner deserves the concession of regular bail.



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Moreover, bail is rule and jail is exception. The material witnesses have already been examined and no incriminating evidence has come forth against the petitioner.

7. 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.

8. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

9. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

24.02.2026
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(H.S. GREWAL)
JUDGE

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