



CRA-S-3891-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRA-S-3891-2025
Decided on : 30.01.2026

GURJEET SINGH

.....Appellant

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. TPS Makkar, Advocate,
for the appellant.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Present petition has been filed by the appellant, seeking grant of regular bail, in case, FIR No.0002, dated 03.01.2024, under Sections 302, 34 of IPC and Section 3(2)(V) of SC/ST Act was added later on, at Police Station Gidderbaha, District Sri Muktsar Sahib.

2. Learned counsel for the appellant contends that, as per the allegations mentioned in the FIR registered at the instance of the complainant—Rajvir Kaur alias Raj, wife of Jasveer Singh (deceased in the present case), on the date of the incident at about 6:00–6:30 P.M., complainant was in the company of her husband when, on his signal, an unknown motorcyclist stopped. Thereafter, both the complainant and her husband sat on the rear seat of the motorcycle and proceeded to a tent. Subsequently, complainant's husband (deceased) and the unknown motorcyclist consumed liquor, after which the motorcyclist left. Complainant and her husband then went to sleep.



It is further alleged that at about 10:00 P.M., two unknown persons came near the tent, one of whom had a muffled face and was armed with an iron rod, while the other was empty-handed. They raised an alarm and called the complainant's husband out of the tent. The person armed with the iron rod inflicted a blow on Jasveer Singh's neck, causing him to fall. Two further blows were inflicted—one on his forehead and the other on his head, resulting in his death at the spot due to the injuries sustained.

3. Learned counsel for the appellant submits that complainant, Rajvir Kaur alias Raj, is the sole eye-witness in the present case. However, she has resiled from her earlier version while deposing before the Court. In the absence of any substantive evidence to support the prosecution case, and considering that appellant is in custody for a period of approximately two years, he is entitled to be released on regular bail in the present case.

4. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 29.01.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, appellant has already undergone 2 years and 23 days period inside jail.

5. Learned State counsel has filed a status report dated 29.01.2026, which is taken on record. Registry is directed to tag the same at the appropriate place on the file.



6. As per paragraph No.13 of the status report, it is noticed that there are total 23 prosecution witnesses, out of which five have already been examined, while four witnesses have been given up by the prosecution. Complainant, Rajvir Kaur alias Raj, who is the eye-witness to the occurrence, appeared as PW-1; however, she did not support the case of the prosecution. Nevertheless, learned State counsel submits that present appeal is devoid of merit and is liable to be dismissed.

7. This Court has heard the submissions advanced by learned counsel for the parties and has also perused the record available before it.

8. Undoubtedly, as per the status report, complainant, Rajvir Kaur alias Raj, who is the sole eye-witness to the occurrence, has not supported the case of the prosecution. It is evident from her statement (PW-1), appended with the present petition as well as with status report filed by learned State counsel, in which she has categorically stated during her examination-in-chief that she does not know who murdered her husband, as the assailants had muffled faces and it was a dark night, more so her statement was never recorded by the police.

Upon being declared hostile, her cross-examination was conducted. During such cross-examination, in response to a specific query put by learned counsel for the accused, she stated that *"I have never seen the accused person before today. Today I have seen the accused for the first time in the Court."*

9. At this stage, this Court refrains from making any observations on the merits of her testimony or her turning hostile, as final adjudication of the case shall be undertaken by the trial Court after



appreciation of the entire evidence on record. It is also well settled that mere fact of a witness turning hostile may not, by itself, be sufficient to infer the innocence of the accused.

However, for the limited purpose of considering the prayer for bail, it is significant that the sole eye-witness has, as of now, not supported the prosecution case. Moreover, appellant has remained in custody for a period of approximately two years and twenty-three days, and as per the record, around 14 prosecution witnesses are yet to be examined.

10. Therefore, in view of the totality of the circumstances, nature of the allegations levelled against the appellant, and the factors noticed here above, this Court deems it appropriate to extend the concession of bail to the appellant in the present case.

Consequently, prayer made in the present appeal is **allowed**. Appellant 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.

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

12. 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



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independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

13. Appeal stands disposed of.

(SANJAY VASHISTH)
JUDGE

30.01.2026
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO