



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

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**CRM-M No.45052 of 2025
Date of decision : 25.8.2025**

Harwinder Singh @ Bindri

.....Petitioner

Versus**State of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Verma, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.27 dated 3.3.2023, under Sections 302 and 34 of the IPC, registered at Police Station Sidhwan Bet, District Ludhiana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Stated that I am the resident of abovesaid address. We are permanent resident of Village Vadhera Damera, District Patna (Bihar), but we born in village Gorshian Makhan, PS Sidhawan Bet. We are five brothers. My brother Ram Lakhan aged about 36 years was younger to me. He was working as Mason. He used to visit his job and come back an evening everyday. My brother was on visiting terms with accused Harwinder Singh @ Bindri s/o Nazar Singh and Sandeep Singh @ Bhulla s/o Harpal Singh both are resident of village Gorshian Makkhan. Both were used to quarrel



on minor disputes an usually with him. On 02.03.2023 my brother had gone to his work at about 8 AM but he did not come back an evening. We started searching for my brother Ram Lakhan. At around 09:00 at night, when we reached the vacant plot of Palvinder Singh alias Mithu son of Harpal Singh on the Thath Nanaksar road, then we saw that Sandeep Singh alias Ghulla, who had a pitthu bag (backpack), strangulated to my brother Ram Lakhan with the nylon strip laying of his backpack and Harvinder Singh alias Bindri, who had thrown bricks bats injuries to my brother's head My wife and I screamed, and when I heard a commotion, Gurvinder Singh alias Bindri and Sandeep Singh alias Ghulla above took their weapons and fled away from the spot. I and my wife Mamta went and took care of his brother Ram Lakhan, who died on the spot due to injuries. My brother was murdered by Harvinder Singh alias Bindri and Sandeep Singh alias Ghulla above because they used to have bad relations with each other before said occurrences. I could not report my brother's murder due to shock at night. Today I left my wife Mamta near my brother's body and was going to the police station to report my brother's murder. You have been met me near village Raowal grain market. I have written a statement to you. I heard. it is correct. SD/-Raju Rai, Raju Rai. Verified by SD/-Sunil Kumar Insp. Chief Officer, Thana Sidhwa Bet, dated 03-03-2023.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 3.3.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the prime prosecution witness namely PW-1 Raju Rai (FIR-complainant) has turned hostile and thus the trial is not likely to be culminated into conviction. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned



State counsel seeks to place on record custody certificate dated 23.8.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 3.3.2023 wherein after investigation was carried out and challan stands presented on 18.5.2023. Total 17 prosecution witnesses have been cited out of which 3 have been examined till date. It is thus indubitable that conclusion of trial will take long. The rival contention of learned counsel for the parties; including the weightage required to be attached to the testimony of hostile witness (FIR-complainant); shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 23.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years and 5 months and 17 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However,



in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

25.8.2025

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