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

**Date of Decision: 05.04.2025**

1.

**CRM-M-59137-2024**

JOGINDER SINGH @ KAKA

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

2.

**CRM-M-60795-2024**

SANDEEP ALIAS SANDEEP SINGH ALIAS BONY ALIAS SANDEEP  
KUMAR

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Sandeep Verma, Advocate  
for the petitioner in CRM-M-59137-2024.  
Mr. Sant Pal Singh Sidhu, Advocate  
for the petitioner in CRM-M-60795-2024.  
Mr. Jasdeep Singh, DAG, Punjab.  
Mr. Mandeep Singh, Advocate for the complainant.  
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**SANJAY VASHISTH, J. (Oral)**

By way of this common order, aforementioned two regular bail petitions are being disposed of, as both of them have arisen out of one FIR.

1. The instant petition(s) have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner(s), during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed hereunder:-



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Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station
1. Joginder Singh @ Kaka (in CRM-M-59137-2024)	352	07.10.2023	302, 34, 148, 149 IPC later on added 307, 452, 323, 325 IPC also.	City Friddkot
2. Sandeep Alias Sandeep Singh Alias Bony Alias Sandeep Kumar (in CRM-M-60795-2024)			Also added 304 IPC by deleting 302 and 307 IPC	

2. The FIR is got lodged at the instance of complainant Baldev Singh, by explaining the incident which happened on 06.10.2023 at about 9:30 PM.

3. Petitioners' counsel argues that:-

- a) After registration of the case, investigation has been completed, the final report under Section 193 BNSS has already been submitted and thereupon charges had been framed primarily for the offence under Section 105 of BNS (304 of IPC), culpable homicide, not amounting to murder, apart the other provisions of BNS.
- b) There is one deceased namely Tejinder Singh, aged 28 years, apart 04 injured persons namely **Arshdeep Singh, Jashandeep Singh, Lakhwinder Singh and Avinash Kaur**. Only Lakhwinder Singh has suffered one grievous injury in his left arm, invoking Section 117 of BNS (325 of IPC) and all the other injured have suffered simple injuries.
- c) Counsel further submits that no serious injury has been suffered by the deceased Tejinder Singh because and as per the post-mortem report, only one injury is described i.e. *'reddish coloured abrasion of size 6.2 cm x 3.2 cm, present on back of right elbow joint'*. No other injury has been mentioned in the post-mortem report, having been suffered by deceased Tejinder Singh.



- d) Thus counsel submits that despite of raising allegation in the FIR and that the accused were armed with deadly weapons, there is not a single injury confirming the allegation of suffering of injuries through any dangerous weapon. Even the injury suffered by deceased Tejinder Singh is also on non-vital part.
- e) Petitioner - Sandeep Alias Sandeep Singh alias Bony alias Sandeep Kumar is stated to be there inside jail since 07.10.2023 and trial is progressing at a very low pace, therefore, prays for grant of bail during the pendency of the trial.
- f) Additionally, qua accused – Joginder Singh @ Kaka, it is being argued by the counsel that his name is not there in the FIR and it is only in the supplementary statement of complainant – Baldev Singh, after a period of two days of registration of FIR name of the petitioner is involved, without even assigning any specific role of causing injury. Counsel also submits that petitioner Joginder Singh @ kaka is in custody since 10.10.2023.
- g) It is also pointed out that similarly situated other co-accused namely **Amandeep Singh @ Goldy and Tarsem Singh @ Tarsem Lal @ Seema**, have been extended the concession of regular bail by this Court, by noticing the facts in detail vide order dated 05.09.2024 passed in CRM-M-14926-2024 and CRM-15096-2024, respectively.
- h) Counsel also points out that the concession of bail has already been extended to another co-accused namely Gurwinder Singh @ Jugnu vide order dated 13.11.2024 in CRM-45945-2024.
- i) One more common argument addressed by both the counsels is that arising of the same incident one DDR/GD No.16 dated 08.10.2024 has been registered as a cross version in the FIR at the instance of Sandeep, who allegedly has also suffered a



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grievous injury, which is categorized as an offence under Section 117 of BNS (325 of IPC).

j) Another submission is that trial is being prolonged at the instance of the complainant as now after framing of charges, an application has been filed for amendment of the same for invoking Section 103 of BNS (Section 302 IPC). Process of recording of the evidence is delayed at the instance of the complainant himself by moving application before the trial Court.

Thus, both the petitioners pray for grant of regular bail.

4. On the other hand learned DAG Punjab, while opposing the contention of bail argues that the offence is serious one, as all the accused collectively, armed with deadly weapons have attacked the complainant party, which resulted into the death of one person apart suffering of the injuries by four persons.

However, learned State counsel could not dispute the other facts including registration of a cross version at the instance of the petitioners' party also, and also that petitioner – Sandeep alias Sandeep Singh alias Bony alias Sandeep Kumar in CRM-M-60795-2024 has suffered a grievous injury.

5. I have considered the submissions addressed by both the sides and gone through both the petitions.

6. It is admitted fact that petitioners are there inside jail since October 2023 and trial is yet to start, as after framing of charges, an application filed by the complainant for amendment of charges is pending, which may be a reason to delay the proceedings of recording of the process of the evidence.



From the bail petitions filed by Amandeep Singh @ Goldy and Tarsem Singh @ Tarsem Lal @ Seema, the cause of death as noticed by the doctor and mentioned in the reply filed therein is noticed and for reference same is reproduced hereunder also:-

*“10. He further draws attention of this Court towards the reply, dated 21.05.2024, filed by the prosecution agency to the instant petitions, wherein, it has mentioned that the cause of death of deceased-Tejinder Singh, is brain hemorrhage, and there is no evidence of any injury marks on the head of the deceased-Tejinder Singh. The relevant extract of the reply reads as under:-*

*“9. That in a subsequent medical opinion with regard to a specific query regarding final opinion as to cause of death of deceased Tejinder Singh, the concerned Surgeon mentioned that it is not possible to give opinion whether Brain Hemorrhage was due to some disease or Trauma to the head, as per postmortem record, there was no evidence of any external injury mark on the head of the person of Tejinder Singh. which indicated that possibility of the death of Tejinder Singh due to sudden hemorrhage with fear cannot be ruled out, accordingly the offence u/s 302/307 IPC were not attracting to the facts of the case and investigation under section 302/307 IPC was dropped and enhancement of offence u/s 304 IPC made vide DDR No. 25 dated 04-01-2024. The investigation completed against present petitioner and co-accused was completed and challan was submitted in the concerned court on Date 05-01-2024.””*

7. Considering the circumstances in its entirety along with the submissions addressed by the respective counsel and having been noticed hereabove, I deem it appropriate to consider the plea of bail as prayed by the petitioners, as the question of liberty of an individual without any progress in the trial is involved, and therefore, the prayer made in the petitions is worth considering.

8. Consequently, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to



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furnishing bail/surety bonds by each one of them, to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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

10. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

17. However, it is clarified that in case, there is any intimidation or threat or an attempt to influence the witnesses has been made by the petitioners, the prosecution would immediately seek cancellation of the bail with the substance to support the contention, if any.

18. Petition(s) stand disposed of.

Photocopy of this order be placed on the file of connected case.

**April 05, 2025**  
Sangeeta

**(SANJAY VASHISTH)**  
**JUDGE**

Whether reasoned/speaking:  
Whether reportable:

Yes/No  
Yes/No