



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

226

CRM-M-52747-2024

Date of decision: 18.03.2025

Sandeep Singh alias Bhala

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Beant Singh Seemar, Advocate  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Aajeshwar S. Grewal, Advocate  
for the complainant.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.102 dated 07.07.2021 under Section 302 of the IPC and Section 25 of the Arms Act, 1959 (Sections 307 and 120-B of the IPC and 27, 54, 59 of the Arms Act, 1959 added lateron) registered at Police Station Sadar, District Bathinda.

2. Learned counsel for the petitioner contends that a perusal of the FIR in question which has been annexed as Annexure P-1 leaves no manner of doubt that it was alleged to be an eye witness account and it was co-accused Manpreet Singh @ Manna who fired towards the deceased as a result of which he died at the spot. It has been contended that there was no suspicion raised whatsoever with respect to either the



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involvement of the petitioner in the crime in question nor is it the case of the prosecution that along with the prime accused Manpreet Singh @ Manna some other unknown assailants were present at the time of the occurrence in question. It has been argued by the learned counsel that subsequently the mother of the deceased got her statement recorded with respect to an occurrence which had taken place previously between her deceased son and the accused party including the petitioner in which regard an FIR for offence under Section 307 of the IPC etc. was registered on 22.06.2021; hence, she raised a suspicion that since the petitioner was involved in the said occurrence wherein her deceased son had escaped at the hands of the accused, there was a likelihood that the petitioner too had conspired with the co-accused in giving effect to the occurrence at hand. Learned counsel has submitted that since it is an eye witness account and it is not the case of the prosecution that other than co-accused Manpreet Singh @ Manna, any other assailants had accompanied him or fired towards the deceased, mere suspicion by the mother of the deceased, who is not even alleged to have witnessed the crime in question, clearly indicates the petitioner's false implication in the present case.

3. It has been further asserted by the learned counsel for the petitioner that the petitioner has been in custody since 20.08.2021 and till date only 04 prosecution witnesses out of the 50 cited, have been examined which include the material witnesses i.e. the complainant and the alleged eye witness. Learned counsel submits that in the circumstances, and keeping in mind the role attributed to the petitioner,



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his further incarceration would serve no useful purpose as the possibility of the trial concluding in the near future does not arise.

4. Per contra, learned State counsel, assisted by learned counsel for the complainant, while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Jasbir Singh, has not disputed the custody period of the petitioner nor has he disputed that both the material witnesses i.e. the complainant and the alleged eye witness have already been examined; 46 prosecution witnesses still remain to be examined.

5. On a pointed query to the learned State counsel it has not been disputed on instructions that no suspicion was raised qua the involvement of the petitioner in the crime in question which is based on ocular testimony of the complainant. However, learned State counsel has reiterated the contents of the FIR as well as the statement made by the mother of the deceased which has been reproduced in the reply filed by the State by way of affidavit of Heena Gupta, PPS, Deputy Superintendent of Police, Rural, Bathinda, which stand reproduced hereinunder:-

***“Contents of FIR***

*Statement of Lakhvir Singh son of Sadhu Singh son of Kehar Singh resident of village Naruana aged about 32 years, M.No. 90417-63108. Stated that I am resident of the above said address and doing agriculture work. Today on 7.7.2021 When I alongwith Gurwinder Singh son of Mukhtiar Singh resident of Naruana, Parminder Singh alias Kaka son of Sukhpal Singh resident of Bharu, Chamkaur Singh resident of Jhumba were in the house then my brother Kulbir Singh aged about 33/34 years was also present in his room, after hearing the sound of a vehicle in front of the house, Parminder Singh @ Kaka came out and after coming he told that Manpreet Singh @*



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*Manna son of Sukhmandar Singh, resident of Talwandi Sabo has come to meet brother Kulbir Singh. Earlier also, Manpreet Singh @ Manna used to visit Kulbir Singh and he had good relations with Kulbir Singh. Then Parminder Singh told about this to brother Kulbir Singh by going in the room, then Kulbir Singh said that he should bring Manpreet Singh inside. Then Manpreet Singh @ Manna went to Kulbir Singh in the room and after drinking tea and water, Kulbir Singh and Manpreet Singh @ Manna came outside and Manpreet Singh @ Manna sat in his Fortuner car number PB-29U-9988 on DVR Seat and Kulbir Singh also sat on the conductor's seat. I and Parminder Singh @ Kaka also got stood outside, then Kulbir Singh asked Parminder Singh to bring Rupees 3500/- from the room. When Parminder Singh @ Kaka turned towards the house to bring the money, then it would be around 8/8:15 AM that in my presence Manpreet Singh @ Manna fired from his armed pistol at Kulbir Singh, consequently Kulbir Singh fell out of the vehicle and Manpreet Singh @Manna fired many shots at Kulbir Singh with the intention to kill him, when Chamkaur Singh came in front of his vehicle then Manpreet Singh @ Manna drove the vehicle over him also, and Manpreet Singh also fire at him then we also ran towards his vehicles and we also fired at the vehicle then Manpreet Singh @ Manna drove away his vehicle from the spot. Then we took Kulbir Singh and Chamkaur Singh to Civil Hospital Bathinda for treatment. The doctor declared Kulbir Singh and Chamkaur Singh as dead. The cause of animosity is that said Manpreet Singh @ Manna on the asking of someone and after coming under the greed of money has murdered my brother Kulbir Singh Chamkaur under a conspiracy. Legal action be taken against Manpreet Singh @ Manna. Statement has been read, heard and it is correct. Sd/- Lakhvir Singh aforesaid Attested Sd/- Beant Singh, Station House Officer, P.S. Sadar Bathinda, Dated 7.7.2021.”*

***“Statement of mother of the deceased***

*That earlier, Amandeep Singh alias Amna Son of Bikkar Singh resident of Village Ubha, Police Station Joga, District Mansa was friend of her son deceased Kulveer Singh and he often used to come into their house. Then they fought with each other as Amandeep Singh alias Amna started backbiting of her son deceased Kulveer Singh and her son deceased Kulveer Singh had beaten him up and inflicted injuries upon Amandeep Singh alias Amna and then Amandeep Singh alias Amna had started having grudges against her son deceased Kulveer Singh. On dated*



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*21.06.2021, Amandeep Singh alias Amna along with Sandeep Singh alias Bhalla and Fateh Singh alias Nagri in connivance with each other had opened fires upon her son deceased Kulveer Singh with intention to kill him but he was escaped due to having bulletproof car as such a case FIR No.128 Dated 22.06.2021 under section 307/427/336/341/506/120B/34 Indian Penal Code and 25/54/59 Arms Act was registered at Police Station Canal Colony, Bathinda against them. The prima accused Manpreet Singh alias Manna was acquainted with them and he often used to come into their house also being known to her son deceased Kulveer Singh, who also had faith upon him about which Amandeep Singh alias Amna and others were having knowledge as such they in connivance with each other made Manpreet Singh alias Manna to murder her son deceased Kulveer Singh, his friend Chamkaur Singh and injured Gurpreet Singh alias Gora with intention to kill him.”*

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The petitioner has not been attributed any injury on the person of the deceased, much less fatal; he was not even alleged to be accompanying the co-accused at the time of the alleged occurrence. The petitioner has been implicated in the present case as being a conspirator to the crime in question which is based on eye witness account. All the material witnesses, even as per instructions received by the learned State counsel, stand examined. The possibility of the petitioner intimidating/influencing the witnesses or even tampering with the evidence, therefore, does not arise. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the



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satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

**18.03.2025**

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**(MANJARI NEHRU KAUL)  
JUDGE**

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