

2025:PHHC:112286



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-41314-2024

Date of decision: August 25, 2025

SANJAY

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prateek Sodhi, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab
with SI Harchand Singh.

MANJARI NEHRU KAUL, J.(ORAL)

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.117 dated 19.07.2022 under Sections 302, 34 (and Section 324 added later on) of Indian Penal Code, 1860, registered at Police Station Majitha, District Amritsar Rural (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that although it was stated to be an eyewitness account, wherein the petitioner fatally injured the deceased Pawanjit Singh with a *datar*, however, all the three eyewitnesses including the complainant, who also happened to be the real brothers and father of the deceased Pawanjit Singh, had not supported the case of the prosecution, as a result of which they were all declared hostile. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose as 16 prosecution witnesses still



remain to be examined, and coupled with the fact that the petitioner has now been in custody for more than three years having been arrested on 20.07.2022.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has neither disputed the custody period of the petitioner nor has he, on instructions, disputed that all the three material witnesses/eyewitnesses stand examined, and did not support the case of the prosecution, as a result of which, they were all declared hostile. However, learned State counsel has reiterated the allegations levelled in the FIR (Annexure P-1), which stands reproduced hereinunder:-

“Statement of Karanjit Singh S/o Harjit Singh R/o Galowali Colonia Police Station Majitha District Amritsar Aged around 19 Years Mobile 9878897085 Stated that I am resident of above mentioned address and am doing work of fixing tiles and Marble, we are three brothers. Eldest one is Amritpal, younger than him is me and youngest one is Pawanjit Singh aged around 16 years, yesterday on dated 18.07.2022 all of us four brothers were present in house then in village itself there was birthday party of daughter of Karan son of Shiv Kumar, in which my elder brother Amritpal had also gone, since there was excess dark so in order to get him back me and my younger brother Pawanjit Singh and our father Harjit Singh had gone, then time was around 9.00/9.30 at night we saw that Ajay Kumar Parkash, Suraj son of Rampal, Sanjay son of Vijay Pal and Deepak present Sarpanch son of Galowali Colonies were arguing with my brother due amid some issue then we stopped them from arguing then Deepak Sarpanch raised challenge and said that caught hold them and let them teach him a lesson for arguing with us and then Ajay and Suraj caught hold my brother Pawanjit from his arms and Sanjay gave Sickle blow upon my brother Pawanjit which hit him on the right side of his throat then he ensanguined with blood and fell down on the



floor, me and my father in order to disengage him went ahead then Sanjay again gave sickle blow upon my father which hit him upon his inside of his right thigh we raised clamour of killed - killed then above named assailants fled from the spot along with their respective weapons, this entire incidence has been seen by my brother Amritpal Singh and father Harjit Singh, we made arrangement of vehicle took our brother at Bajwa Hospital Majitha, where Doctors checked my brother outside the Hospital itself and told that he has since been died, till date in concern of death of our brother we were busy while telling our family members and relatives, I left dead body of my brother with my father was coming to you to inform, that you met me, I have recorded my statement to your goodself, above named accused persons in consultation with each other have inflicted injury to my brother and committed his murder. Appropriate legal action may be initiated against them. I have heard my statement, it is correct. Sd/- Karanjit Singh above named, attested Sd/- Jungbanadur Singh SI Police Station Majitha dated 19.07.2022. Police Proceedings:- Today myself SI along with SI Tarlok Singh 1425, ASI Baldev Raj 1135, ASI Jagdeep Singh 362, ASI Gurnam Singh 318, HC Sukhwinder Singh 311, HC Jaspal Singh 1801, CT Resham Singh 03, L/CH Parminderjit Kaur 736, PHG Sarabjit Singh 19685 boarding Government vehicle whose driver is ASI Tanjit Singh 484, along with Laptop Printer kit in connection of patrolling was present at Bus Stand Majitha that Karanjit Singh son of Harjit Singh above named come present to me and recorded his above mentioned statement, which was read over to him, Who, upon reading his statement, accepting it as correct appended his signatures underneath the same in Punjabi, I attested it. Keeping in view of above mentioned statement prima facie a case is made out under section 302, 34 of IPC. Whereby for registration of case it is being sent by hand through CT Resham Singh 03 to Police Station. After registration of the case number of the case may be informed, Special Reports may be issued and sent for the kind perusal of Ilaqa Magistrate and concerned senior officers. Control Room may be informed. Myself A.S.I. along with fellow employees accompanied by complainant of the present case am proceeding to the place of incidence for initiating proceedings. Today in the area of Bus Stand Majitha AT 3:20 AM Sd/- Jungbahadur Singh SI Police Station Majitha dated 19.07.2022. Today at Police Station: At present upon receipt of above mentioned statement in Police Station, above mentioned case was registered under above mentioned sections,



original statement along with copy of FIR is being sent through arrived CT to responsible SI at the spot for further investigation. Special reports are issued and are being sent for the kind perusal of Ilaqa Magistrate and senior officers by hand through ASI Ripanjit Singh 1280. Control room is being informed, Closure report Number 09 Time 04.25 AM.”

4. Learned State counsel has submitted that it is a promptly lodged FIR, and no doubt, the three eyewitnesses are immediate family members of the deceased, it was for reasons but obvious that unfortunately, they had turned hostile. Learned State counsel, on further instructions, submits that the next date fixed before the learned trial Court is 29.09.2025. He has not disputed that 16 prosecution witnesses still remain to be examined.

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

6. The petitioner has been in custody since 20.07.2022. The possibility of the trial concluding in the near future does not arise as 16 prosecution witnesses still remain to be examined. The material witnesses have not supported the case of the prosecution. The possibility of the petitioner tampering with evidence or intimidating the witnesses does not arise in the aforementioned facts and circumstances since they already stand examined.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner.



8. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. 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.

10. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

August 25, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*