



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

CRM-M-12556-2025

Date of Decision:19.08.2025

Jaideep Singh @ Jai ...Petitioner

Vs.

State of Punjab ...Respondent

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

Present : Ms. Simran, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the fifth petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 11, dated 03.02.2023, registered under Sections 304,379-B(2) and Section 34 of IPC, Section 120-B of IPC added later on, Police Station Gharinda, District Amritsar Rural (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Atul Kumar son of Yad Kumar and the same has been reproduced below:-

“Statement of Atul Kumar son of Yad Kumar resident of house no. 71, MSG Phase-2 Jawaharpuram colony, Agra UP aged around 28 years, mobile 7906458384 made a statement, I am resident of above said address, I work as team leader in Gen Peck private limited in Noida Stailer building. That one of my friend Ganga Maiya daughter of Dhan Dhan Bahadur Suba resident of Gangtok Sikkim with whom I was traveling and came to see Wagha

Border at around 5.15/5.45 PM I and my friend Ganga Maiya sat in one Auto in order to come back to Amritsar in which there were other passengers also and after 4/5 minutes travel from Wagha border from the back side two persons came on the motorcycle they had muffled faces they had snatched the bag held in the hand of my friend Ganga Maiya and during this my friend Ganga Maiya fell down from the moving auto on the face side and she suffered many injuries then with the help of the persons nearby I had taken my friend Ganga to nearby Hospital for treatment, however, Doctor has referred her to Amandeep Hospital Amritsar due to serious injury then I and my injured friend on the Ambulance of the hospital taken her to hospital where Doctor declared my friend as dead, two unidentified persons from the moving auto snatched of auto and got injured and died. Legal action may be taken, I have read my statement, it is correct. Sd/- Atul Kumar attested by Rajbir Singh ASI I/C Kahangarh Police Station Gharinda, dated 03.02.2023.

3. Learned counsel for the petitioner contends that as per the case of the complainant, he along with his friend Ganga were travelling in auto rikshaw and two persons with muffled faces tried to snatch the bag of Ganga. Due to snatching of bag, she fell down on the road and suffered injuries. Ultimately, Gange succumbed to the injuries and the present FIR registered against unknown persons. Learned counsel further contends that the petitioner was not present at the place of occurrence and he has been arrayed as an accused in the present case on the basis of the disclosure statement suffered by Sahil Singh, co-accused. She further contends that even the accused in the present case admittedly had no intention to cause the murder of Ganga and the offence under Section 304 IPC has been added. The petitioner was arrested in the present case on 15.03.2023 and is in custody for the last more than 02 years and 05 months. Even, charge has not been framed against the petitioner and trial is not likely to

conclude in near future.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. The petitioner had earlier filed successive bail applications and the last bail application was withdrawn on 30.08.2024. However, even after lapse of more than one year, no witness has been examined by the prosecution. Moreover, even the charge has not been framed against the present petitioner, whereas, on the other hand, petitioner is in custody for the last more than 02 years and 05 months. The prosecution is yet to lead evidence with regard to the complicity of the petitioner in the crime and the conclusion of the trial may take quite a long time.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall

swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report on every 1st Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

19.08.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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