

CRM-M-23075-2024 (O&M)
CRM-M-52729-2024 (O&M)

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2025.PHHC.053794



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

214+222

Date of Decision:- 25.04.2025

I. CRM-M-23075-2024 (O&M)

MOHAMMAD JAKIR

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

II. CRM-M-52729-2024 (O&M)

JALALUDEEN MIYA

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ruhani Chadha, Advocate
for the petitioner in CRM-M-23075-2024.

Mr. Nippun Sharma, Advocate
for the petitioner in CRM-M-52729-2024.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. By way of this common order, the above-mentioned two criminal miscellaneous petitions shall be decided as they arise out of same FIR.

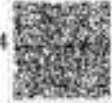


2. The instant petitions have been preferred by the petitioners under Section 439 CrPC/483 BNSS for grant of regular bail to the petitioners in the following case :-

FIR No.	Dated	Sections	Police Station
54	05.05.2023	302, 341, 323, 148, 149 IPC	Maqsudan Jalandhar

3. It is, *inter alia*, contended by learned counsels for the petitioners that the petitioners are innocent and have been falsely implicated in this case on the allegation of murdering deceased Amrit Singh, although the petitioners have no concern whatsoever with the said occurrence. They submit that the petitioners are in custody since 05.05.2023, and after the completion of investigation, challan has already been presented in Court. They further contend that material witnesses namely PW/1-Bharat Singh and PW/2-Chinta Devi have been examined, who have not lent any support to the case of prosecution. In fact, both these material witnesses have categorically denied having witnessed any occurrence. Learned counsels have referred to the list of witnesses to say that except for these witnesses, there is no material witness of the occurrence and remaining witnesses of the prosecution are formal in nature, which will not be in a position to establish the case against the petitioners. They submit that the conclusion of trial will take sufficient long time. Thus prays for grant of concession of bail to the petitioners.

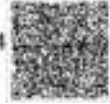
4. *Per contra*, learned State counsel while referring to the reply filed by the State has prayed for dismissal of the petitions on the ground that



the petitioners are involved in heinous crime of committing murder of Amrit Singh. However, he has not disputed the fact that the available material witnesses already examined by the prosecution, have not lent any support to the case of the prosecution against the petitioners and the other witnesses happen to be formal witnesses.

5. Heard learned counsel for the parties and perused the record.

6. After considering the rival contentions and perusing the record, it is observed that as per the case of prosecution, the petitioners are alleged to have committed murder of Amrit Singh on 04.05.2023. The FIR was registered on the statement of PW/1-Bharat Singh, who stated that on 04.05.2023 at about 6:30 PM, while he was coming back after selling vegetables then, petitioner-Mohammad Jakir blocked his way, and when the complainant requested him to clear the passage, he raised *lalkara* asking the co-accused/petitioner-Jalaludeen to caught hold of him, and that he should not be spared. Upon which petitioner-Jalaludeen, armed with an iron rod, co-accused Siraj armed with dang, Anwar armed with hockey, Khushbu armed with brick came out and caused injuries on the person of the complainant. On hearing the cries, the wife of the complainant namely Chinta Devi along with Amrit Singh and Mausam came there to get the complainant free. However, the accused also caused multiple injuries to his wife Chinta Devi and Mausam. Thereafter petitioner-Jakir gave baseball bat blow on Amrit Singh while co-accused Siraj gave dang blow on Amrit Singh, which hit on his abdomen and petitioner-Jalaludeen gave rod blow on the chest of Amrit Singh due to which he fell down. The injured were shifted to hospital and



Amrit Singh succumbed to the injuries.

7. After the completion of investigation, challan was presented in the Court. Admittedly, during the course of trial, the prosecution examined complainant-Bharat Singh as PW/1, who happens to be the injured eye-witness, besides examining wife of the complainant Chinta Devi, who is another injured eye-witness as PW/2. In their testimonies, they have not lent any support to the case of the prosecution in any manner nor have they identified the present petitioners as the assailants. Learned State counsel has categorically stated that apart from these material witnesses all other witnesses are formal in nature and not the witness of the occurrence. The prosecution has cited only 20 witnesses and only 02 witnesses have been examined till date. The criminal liability, if any, of the petitioners, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioners any longer.

8. Consequently, without commenting on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

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10. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

25.04.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No