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(214)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35478-2025

Date of Decision: 26.09.2025

KULWINDER SINGH @ TITA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kanwar Inder Singh, Advocate
for the petitioner.

Mr. M.S. Toor, A.A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.0047 dated 13.05.2024 (Annexure P-1) registered under Sections 302 and 34 IPC and Sections 25/54/59 of Arms Act at Police Station Sangat District Bathinda.

2. The present FIR came to be registered at the instance of Saroj Rani S/o Kala Ram @ Suraj Kumar and the same reads as under:-

“Statement of Saroj Rani w/o Kala Ram@ Suraj Kumar s/o Lacchu Ram s/o Visakha Singh r/o Ward No. 8 opposite Chhparh, Village Sangat, District Bathinda aged 40 years mobile no. 75086-62114. Stated that I am r/o abovesaid address and housewife. My marriage was solemnized in the year 2001 with Kala Ram s/o Lacchu Ram s/o Visakha Singh r/o Village Sangat Kalan and I am having 4 daughters. We are residing separately from my in-laws. Today at about 3:30 p.m., I alongwith my husband and children was present at my house.



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Then Lakhwinder Singh@ Lucky, Jaskaran Singh@ Mika and Jaskaran Singh of village Jassi Baghwaali came to meet my husband. As they entered the courtyard of my house, one Swift car of white colour bearing no. PB- 03-BL-3407 halted in front of our house out of which Gobind Singh s/o Sukhchain Singh r/o Sangat Kalan, Pargat Singh r/o Ubha District Mansa, Kulwinder Singh@ Teeta s/o Balkaran Singh r/o Sangat Kalan and Baldev Singh@ Billu r/o Sarekan, district Hanumangarh armed with deadly weapons got out of car. Gobind Singh started abusing my husband and my husband bolted the main gate of my house from inside. However a small window (opening) of the main gate remained unbolted, through which Gobind Singh fired a shot from his pistol towards my husband, which hit my husband in the chest and he fell down on the ground. We raised alarm upon which all the accused escaped from the spot in their car. They arranged a vehicle to take my husband to Civil Hospital Bathinda but on the way near Sangat crossing, my husband expired and his post mortem was got conducted at Civil Hospital, Bathinda. The motive of the occurrence is that Gobind Singh was having previous enmity with Lakhwinder Singh who was having friendly relations with my husband and owing to such reason, my husband was murdered. Hence prayed for taking action against the accused. Sd/- Saroj Rani. Attested Subhash Chander s/o Chanan Ram r/o Ward no. 19 near powerhouse Sadul shahr, District Sri Ganganagar 9828582592. Sd/- SI Gurtej Singh PS Sangat Dated 13/05/2024.”

3. The learned counsel for the petitioner contends that all the material witnesses have turned hostile. The weapon allegedly recovered from the petitioner has not been used in the occurrence. It is the weapon recovered



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from Gobind Singh @ Gobinda which has been used in the occurrence. As the petitioner is in custody since 13.05.2025 but only 03 of the 25 prosecution witnesses have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. A short reply dated 23.09.2025 by way of an affidavit of Harjit Singh Mann, PPS, Deputy Superintendent of Police, Rural, Bathinda has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that all the accused came together and caused the death of Kala Ram. Therefore, the petitioner is not entitled to the concession of bail. He however, concedes that all the material witnesses have turned hostile, that the fatal gunshot injury caused has been attributed to co-accused Gobind Singh @ Gobinda, the weapon of offence has also been recovered from him and that the petitioner is in custody since 13.05.2025 but only 03 of the 25 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, all the material witnesses have turned hostile. Whether the remaining evidence is sufficient to affix the guilt of the petitioner shall be adjudicated upon during the course of the trial. As the petitioner is in custody since 13.05.2025 but only 03 of the 25 prosecution witnesses have been examined so far, therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.



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7. Thus without commenting on the merits of the case, the present petition is allowed and petitioner-Kulwinder Singh @ Tita S/o Balkaran Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

26.09.2025

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No