

2025:PHHC:063999



S. No.225

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

**CRM-M-19205 of 2024
Date of Decision:14.05.2025**

Jarnail Singh @ Jaila

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.
Mr. J.S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of present second petition praying for granting regular bail in a case FIR No.131 dated 16.07.2022 registered under Sections 302/341/506/34/120-B IPC at Police Station Lehra, District Sangrur.

2. Succinctly, the facts of the case are that FIR in the present case has been lodged on the statement of Makhan Singh. It was alleged that his brother Gurdeep Singh had left his home on 15.07.2022 at around 05:30 PM on his motorcycle to go to the paddy fields. However, on 16.07.2022, when he was going on tractor in the morning through his fields, he saw number of people gathered there. People standing there told him that they found the motor-cycle and dead body of his brother deceased-Gurdeep Singh lying there. He saw that his brother had suffered severe injuries on his head, stomach and other parts of the body with sharp edged weapons. It was alleged that during the election of the Sarpanch of the Villge, his brother Gurdeep Singh had heated arguments with Jasvir Singh and Jarnail Singh (petitioner in the present case) and thus they had a grudge against his brother Gurdeep Singh. Because of the same, his brother had been murdered by Jasvir Singh, Jarnail Singh and unknown persons in conspiracy with each other. The matter was reported to the Police to take the legal action against the accused.



On registration of the FIR, the investigation commenced. During investigation, the complicity of the petitioner surfaced and thus he was arrayed as an accused and arrested on 17.07.2022. He approached the learned Additional Sessions Judge, Sangrur praying for the grant of bail. However, after hearing both the sides, the same was declined vide order dated 04.05.2023. Hence aggrieved, he earlier approached this Court by way of filing CRM-M-31538 of 2023 which was dismissed as withdrawn vide order dated 02.11.2023. Hence, this is the second petition filed by the petitioner.

3. Learned counsel for the petitioner has vehemently contended that as per case of the prosecution itself, the present case is based on the circumstantial evidence as there are no direct evidence produced by the prosecution. He submits that the petitioner has been roped in the present case on the basis of the extra judicial confession made before one Bhupinder Singh on 16.07.2022. He submits that this alleged extra judicial confession is also made by the co-accused Jasvir Singh and thus the same cannot be relied upon qua the petitioner. It is submitted that besides the extra judicial confession, there is no other evidence to connect the petitioner with the alleged offence. He submits that the petitioner is behind bars since the date of his arrest. However, there is no progress in the trial. He submits that there being no prima-facie case having been made against the petitioner, he deserves to be granted bail.

4. Learned State Counsel has vehemently opposed the submissions. He submits that the petitioner had played an active role in committing the murder of deceased- Gurdeep Singh. He submits that all the accused on 16.07.2022 had approached Bhupinder Singh who is a respectable man of the village and Jasvir Singh had made extra judicial confession on behalf of the all the three. He submits that the motor-cycle of the accused used in the crime and mobile of the deceased have also been recovered from Jasvir Singh. He further submits that even otherwise, the petitioner had a strong motive as the deceased had an evil eye on the wife of Jasvir Singh. He filed the custody certificate of the petitioner and



submits that the petitioner is involved in three more cases. On instructions, he has submitted that out of 29, only 03 witnesses have been examined so far.

5. I have heard learned counsel for the parties and perused the record. It is deciphered that case of the prosecution is based upon circumstantial evidence. The evidence collected by the prosecution as submitted before this Court are the extra judicial confessions made before Bhupinder Singh and the recoveries of the motor-cycled of the accused used in the crime and mobile of the deceased. As per the custody certificate, petitioner has suffered incarceration of 02 years 09 months and 23 days as on 13.05.2025. As stated by learned State Counsel, he is involved in three more cases, however, he is on bail in those cases.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

May 14, 2025
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No