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

CRM-M-18389-2026
Date of Decision: 03.09.2026

HARJIT SINGH ALIAS JEETU **...Petitioner**

Vs.

STATE OF PUNJAB **...Respondent**

2. CRM-M-22853 -2026

GURDEV SINGH ALIAS BITTA **...Petitioner**

Vs.

STATE OF PUNJAB **...Respondent**

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Amit Arora, Advocate and
Mr. Sumit Kumar, Advocate
for the petitioner(s).

Ms. Navreet Kaur, AAG, Punjab.

VIRINDER AGGARWAL, J. *(Oral)*

1. The present petitions under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 Cr.P.C.) have been filed by the petitioners for grant of regular bail in FIR No. 331 dated 02.09.2020, registered under Sections 302, 506, 148 and 149 IPC, 1860 (corresponding to Sections 103, 351(1), 191(2) and 190 of the BNS, 2023) at Police Station Jhabhal, District Tarn Taran, wherein Sections 201, 364, 379-B(2) and 120-B IPC, 1860 (corresponding to Sections 238, 140(1), 304 and 61(2) of the BNS, 2023) were subsequently added, while Sections 148 and 149 IPC (corresponding to Sections 191(2) and 190 of the BNS, 2023) stand deleted. Since both the petitions arise out of the same FIR, they are being taken up together and are being decided by this common order.

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2. As per the prosecution version, FIR No. 331 dated 02.09.2020 came to be registered on the statement of Kulbir Kaur, mother of deceased Gurbinder Singh. She alleged that on 01.09.2020 at about 08:15 p.m., her son Gurbinder Singh had gone to the fields but did not return home. On the following morning, she came to know that her son had been taken away by Manjinder Singh and 11 other persons, who were allegedly armed with deadly weapons. It was alleged that the accused forcibly took Gurbinder Singh towards the main road, where Manjinder Singh, Harpal Singh, Sehajpreet Singh and Hira Singh inflicted injuries upon him, while the remaining accused raised lalkaras. It was further alleged that the accused took away the pistol and mobile phone of the deceased and that, when the complainant reached the spot, she found her son dead. The motive alleged was a previous dispute between the parties, including an earlier FIR No. 305 dated 01.08.2020 registered under Sections 307, 506, 148 and 149 IPC and Sections 25, 27 of the Arms Act. During investigation, however, the version furnished by complainant Kulbir Kaur was found to be false and the persons initially nominated by her were recommended to be declared innocent. Thereafter, on 24.09.2020, Mandeep Kaur, who claimed to have been residing with the deceased, made a statement wherein she alleged that on the intervening night of 01/02.09.2020, Jagjot Singh @ Bawa, armed with a rope, the present petitioner Harjit Singh @ Jeetu, armed with a datar, and the present petitioner Gurdev Singh @ Bitta, armed with a parna, entered her house. As per her statement, Jagjot Singh picked up the pistol and bullets of the deceased and tied a rope around his neck, whereas Harjit Singh @ Jeetu was alleged to be armed with a datar and Gurdev Singh @ Bitta was alleged to have tied the legs

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of the deceased with a parna. Thereafter, the deceased was allegedly taken away after extending threats to Mandeep Kaur and her minor son. During investigation, Jagjot Singh @ Bawa was arrested and, on the basis of his disclosure statement, the present petitioners were nominated as accused and the investigation proceeded against them. Jagjot Singh @ Bawa faced trial and the material prosecution witness Mandeep Kaur appeared as PW1 but did not support the prosecution case. Consequently, vide judgment dated 22.12.2022 passed by the learned Additional Sessions Judge, Tarn Taran, Jagjot Singh @ Bawa was acquitted. The present petitioners were subsequently arrested on 03.05.2025, whereafter challan was presented on 19.05.2025, the case was committed to the Court of Sessions on 02.06.2025 and charges were framed on 27.10.2025. During the trial of the present case, Mandeep Kaur again stepped into the witness box as PW1 on 12.02.2026 but did not support the case of the prosecution and was declared hostile.

3. Learned counsel for the petitioners submits that the petitioners were not named in the FIR and were subsequently nominated on the basis of the statement of Mandeep Kaur recorded on 24.09.2020, i.e. after a delay of about 24 days. It is submitted that the original complainant Kulbir Kaur’s version was found to be false during investigation and the persons initially nominated by her were exonerated. Learned counsel further submits that, as per the subsequent statement of Mandeep Kaur, no specific allegation of inflicting any injury upon the deceased has been attributed to either of the present petitioners. Harjit Singh @ Jeetu was merely alleged to be armed with a datar, whereas Gurdev Singh @ Bitta was alleged to have tied the legs of the deceased with a parna.

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3.1 It is further submitted that co-accused Jagjot Singh @ Bawa faced trial and the material prosecution witness Mandeep Kaur appeared as PW1 but did not support the prosecution case, consequently resulting in his acquittal vide judgment dated 22.12.2022 passed by the learned Additional Sessions Judge, Tarn Taran. The petitioners were subsequently arrested on 03.05.2025, challan was presented on 19.05.2025, the case was committed to the Court of Sessions on 02.06.2025 and charges were framed on 27.10.2025. Learned counsel further submits that during the trial of the present case, Mandeep Kaur again stepped into the witness box as PW1 on 12.02.2026 but did not support the case of the prosecution and was declared hostile. It is, therefore, contended that the material witness relied upon by the prosecution has failed to support its case on both occasions. Learned counsel further submits that the petitioners have already undergone substantial custody, investigation stands completed, challan has been presented and charges have been framed, whereas the trial is likely to take considerable time. Accordingly, it is prayed that the petitioners be enlarged on regular bail.

4. Notice of motion.

5. Ms. Navreet Kaur, AAG, Punjab, has put in appearance on behalf of the respondent-State and has filed the custody certificate of Harjit Singh @ Jeetu dated 02.09.2026, which is taken on record, subject to all just exceptions.

6. Learned State counsel opposes the prayer for bail and submits that the allegations against the petitioners are serious in nature, relating to the murder of Gurbinder Singh, and specific roles have been attributed to them in the statement of Mandeep Kaur. It is further submitted that the petitioners had

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been declared proclaimed offenders and were subsequently arrested. The fact that the material witness has been declared hostile is a matter to be considered during trial and, at this stage, does not entitle the petitioners to bail.

7. Be that as it may, the petitioners have been in custody since 03.05.2025, after having been arrested pursuant to their earlier having been declared proclaimed offenders. Admittedly, the petitioners were not named in the FIR and their names subsequently surfaced in the statement of Mandeep Kaur recorded on 24.09.2020. The said Mandeep Kaur was the material prosecution witness in the trial of co-accused Jagjot Singh @ Bawa and, when she appeared as PW-1, she did not support the prosecution case, resulting in his acquittal vide judgment dated 22.12.2022 passed by the learned Additional Sessions Judge, Tarn Taran. Significantly, Mandeep Kaur has again appeared as PW-1 during the trial of the present petitioners and has not supported the prosecution case *qua* their involvement in the commission of the alleged offence and has been declared hostile. At this stage, no other evidence has been pointed out which connects the petitioners with the commission of the alleged offence. The petitioners have already undergone substantial period of custody, charges have been framed and the trial is likely to take considerable time. In these circumstances, further incarceration of the petitioners would not serve any useful purpose.

8. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms

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an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (Crl.) No. 8523/2024). In these circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

9. Accordingly, the present petitions are allowed, and the petitioners are ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

1. The petitioners shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.

2. The petitioners shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.

3. The petitioners shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event they are in possession of a passport, they shall furnish particulars before the Investigating Officer as well as the learned Trial Court.

4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioners their permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioners shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing

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details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioners shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioners shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless their personal appearance is exempted in accordance with law. They shall not absent themselves from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or their unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

A photocopy of the order be placed on the file of other connected case.

(VIRINDER AGGARWAL)
JUDGE

03.09.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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