



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

226

**CRM-M-39463-2025 (O&M)
Date of decision: 27.10.2025**

PARBAT SINGH ALIAS NIHANG

... Petitioner

Versus

STATE OF PUNJAB

.. Respondent

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Pranav Goyal, Advocate with
Mr. Baban Goyal, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

Sanjay Vashisth, J. (Oral)

1. Instant petition has been filed by the petitioner-Parbat Singh @ Nihang aged 23 years, under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail in FIR No.53 dated 02.04.2022 under Sections 302, 307 & 120-B of IPC, 1860 and Sections 25 & 27 of Arms Act, 1959 registered at Police Station Baghapurana, District Moga.

2. FIR has been got registered at the instance of Swaran Singh, wherein, he projected himself as an eyewitness of the incident along with his son Hardeep Singh alias Babbla, wherein, his son Harjit Singh @ Petta was murdered, while driving the motorcycle, bearing registration No.PB04AK2506. In the incident, pillion rider, namely: Gurpreet Singh, suffered a fired shot in his left leg near knee. Names of the two unknown youth boarding the Splendour motorcycle is not mentioned in the FIR.



3. Learned counsel for the petitioner argues that initially petitioner was not named in the FIR. However, during the course of investigation, supplementary statement of the complainant was recorded, roping therein the petitioner with the allegation that he made a recce of the deceased before committal of offence. Another submission is that even he was not present on the spot, thus, no injury is caused by him.

The allegation against the petitioner has been levelled after watching CCTV cameras of the village and in that regard, following statement was got recorded:

“Statement of complainant Srawan:

*“After this, I, along with my friends, again watched the CCTV cameras of the village and saw that the boy who had shot my son Harjit Singh alias Penta had been seen going in the direction of the fair earlier, and another boy was seen roaming near our house who was trying to keep an eye on my son Harjit Singh alias Penta. From this, **I am fully convinced that the boy who had come for the raid was Parbat Singh alias Nihang, son of Jagsir Singh alias Seera, resident of Kussa, and the boy who fired the shots and killed my son was Manpreet Singh alias Mannu.** There was a third boy also with them on the motorcycle, whom I do not yet know, but I can identify him if he comes in front of me.”*

4. Learned counsel further submits that neither the CCTV cameras were taken in the possession by the police officials, nor petitioner was got identified during investigation. Referring the details in paragraph No.4 of the petition, learned counsel argues that petitioner is inside jail since 08.04.2022 and after presentation of challan on 06.07.2022, charges were framed on 19.08.2023. However, till date, out of total 22 prosecution witnesses, only 04 witnesses have been examined.



5. Further submits that prosecution witnesses are not coming forward to depose in the case. In this regard, counsel refers to the stages of the trial which have been highlighted in paragraph No.4 of the petition in tabulated form, showing that on most of the occasions, none of the prosecution witnesses was present to depose in the case. Counsel also points out that the petitioner is inside jail since 08.04.2022 (more than about 03 years 06 months) and till date only 04 prosecution witnesses have been examined out of total 22. Thus, counsel for the petitioner prays for grant of bail.

6. On the other hand, learned DAG, Punjab filed a status report dated 26.10.2025 and submits that allegations against the petitioner in the instant case is of doing *reiki* of the deceased and then to inform the assailant. By referring paragraph 15 of the status report, counsel submits that petitioner is facing 14 criminal cases against him. Learned DAG contends that petitioner being habitual offender, is not entitled for bail only on the ground that process of trial is being delayed.

7. Noticing the contentions addressed by both the sides, I have gone through the record including the status report.

8. First of all, for noticing the slow pace of trial on account of non appearance of the prosecution witnesses, stages of trial Court proceedings are detailed in paragraph No.4 of the petition which are reproduced as under:

SR. NO.	DATE OF HEARING	SUMMARY OF BUSINESS ON DATE	PURPOSE OF HEARING
1.	19.08.2023 (Anx. P-7)	Charges framed. PWs ar Status report. No.1 to 3 summoned for 25.09.2023.	Prosecution Evidence
2.	25.09.2023 (Anx P-8)	Pws Gurpreet Singh, Hardeep Singh and Swarn Singh failed to appear despite service. Summoned throughailable warrants in the sum of Rs.5,000/-with one surety in the like amount each for 26.10.2023.	Prosecution Evidence



3.	26.10.2023 (Anx P-9)	Pws Gurpreet Singh, Hardeep Singh and Swarn Singh failed to appear despite service ofailable warrants. Summoned for 28.11.2023.	Prosecution Evidence
4.	28.11.2023 (Anx P-10)	Pws Gurpreet Singh, Hardeep Singh and Swarn Singh failed to appear despite service ofailable warrants. Summoned for 20.12.2023.	Prosecution Evidence
5.	20.12.2023 (Anx P-11)	Pws Gurpreet Singh, Hardeep Singh and Swarn Singh failed to appear despite service ofailable warrants. Summoned for 18.01.2024.	Prosecution Evidence
6.	18.01.2024 (Anx P-12)	No witness of prosecution is present or served for today. Now remaining unexamined prosecution witnesses be summoned as per previous order for 13.02.2024.	Prosecution Evidence
7.	(Anx P-13) 13.02.2024	No witness of prosecution is present or served for today. Now remaining unexamined prosecution witnesses be summoned as per previous order for 16.04.2024.	Prosecution Evidence
8.	(Anx P-14) 16.04.2024	No witness of prosecution is present or served for today. Now remaining unexamined prosecution witnesses be summoned as per previous order for 21.05.2024.	Prosecution Evidence
9.	21.05.2024 (Anx P-15)	No witness of prosecution is present or served for today Now remaining unexamined prosecution witnesses be summoned as per previous order for 05.06.2024	Prosecution Evidence
10.	05.06.2024 (Anx P-16)	Examination in chief of PW1 recorded partly. Statement of PW2 recorded. for No witness of prosecution is present or served today. Now remaining unexamined prosecution witnesses at Sr. No. 1 to 3 be summoned for 02.07.2024	Prosecution Evidence
11.	02.07.2024 (Anx P-17)	Witnesses Hardeep singh and Swaran singh are present, but they moved an application seeking time to record their statements. No other witness of prosecution is present served today. Now remaining unexamined prosecution witnesses be also summoned for 22.07.2024.	Prosecution Evidence
12.	22.07.2024 (Anx P-18)	PW Hardeep Singh, Swaran singh and remaining unexamined prosecution witnesses summoned for 13.08.2024.	Prosecution Evidence
13.	13.08.2024	Statement of PW3 Swaran singh has	Prosecution



	(Anx P-19)	been recorded. No other witness of prosecution is present or served for today. Now remaining unexamined prosecution witnesses be now summoned for 19.09.2024.	Evidence
14.	19.09.2024 (Anx P-20)	No witness of prosecution is present or served for today. Remaining unexamined prosecution witnesses summoned for 14.10.2024.	Prosecution Evidence
15.	14.10.2024 (Anx P-21)	No witness of prosecution is present or served for today. Remaining unexamined prosecution witnesses summoned for 28.11.2024.	Prosecution Evidence
16.	28.11.2024 (Anx P-22)	No witness of prosecution is present or served for today. Remaining unexamined prosecution witnesses summoned for 16.01.2025.	Prosecution Evidence
17.	16.01.2025 (Anx P-23)	File put up before Duty Judge. No witness of prosecution present. Remaining unexamined prosecution witnesses summoned for 03.03.2025.	Prosecution Evidence
18.	03.03.2025 (Anx P-24)	No witness of prosecution is present or served for today. Remaining unexamined prosecution witnesses summoned for 07.04.2025.	Prosecution Evidence
19.	07.04.2025 (Anx P-25)	No witness of prosecution is present or served for today. Remaining unexamined prosecution witnesses summoned for 08.05.2025	Prosecution Evidence
20.	08.05.2025 (Anx P-26)	No witness of prosecution is present or served for today. Remaining unexamined prosecution witnesses mentioned at Sr. No. 2, 7, 8, 16, 17, 18 and 22 summoned for 03.07.2025.	Prosecution Evidence
21.	(Anx P-27) 03.07.2025	Statement of PW4 SC Ramandeep singh and PW5 ASI Nachttar Singh have been recorded. No other witness of prosecution is present or served for today. Remaining unexamined prosecution witnesses mentioned at Sr. No. 2, 7, 8, 18 and 22 summoned for 07.08.2025.	Prosecution Evidence

9. From the aforementioned and detailed stages of the trial which in fact is not even disputed by learned State counsel, it is clear that the prosecution witnesses are not appearing before the Court. Apart this, looking at the



allegation of doing reiki, there would hardly be any witness to depose on that account, against the petitioner. Moreover, prosecution depends upon the CCTV footage recording in the CCTV cameras, wherein the petitioner is got identified during investigation. Not only this, from paragraph 15 of the status report, involvement of petitioner in other criminal cases is highlighted which is as under:

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Sr.No.	FIR No.	Under Section	Status
1.	307/17-12-2020	307, 120-B IPC, P.S Bhikhi	Contested Allowed 17.10.2022
2.	56/09-05-2021	21-A NDPS Act, P.S Badni Kalan	Under Trail 10-11-2025
3.	255/29-09-2021	25/27/54/59 Arms Act, P.S City Muktsar Sahib	Under Trail 31-10-2025
4.	242/16-12-2021	25/27 Arms Act & 307/379-B/341 IPC P.S Baghapurana	Acquitted 23-08-2023
5.	02/04-01-2022	25/27 Arms Act, 307/379-B IPC, P.S Baghapurana	Acquitted 22-09-2025
6.	21/28-02-2022	25/27 Arms Act, P.S Badni Kalan	Dispose of Direction 07-03-2024
7.	17/01-03-2022	302/148/149 IPC, 25/27 Arms Act, P.S Zira	Acquitted 20-07-2024
8.	59/23-05-2022	307/34/120-B IPC, P.S Badni Kalan	Under Trail 31-10-2025
9.	211/19-11-2022	307/34 IPC, P.S Sadar Muktsar Sahib	Under Trail 19-11-2025
10.	427/04-12-2023	21 NDPS Act/52-A Prison Act, P.S City Faridkot	Cancellation Reporet Accepted 26-09-2024
11.	430/05-12-2023	21-B/29 NDPS Act, 7/2 P.C Act, P.S City Faridkot	Under Trail 04-11-2025
12.	38/16-02-2024	52-A Prison Act, P.S Sadar Mansa	Under Trail 18-10-2025
13.	33/09-04-2024	25(6)/7 Arms Act, P.S Mehna	Under Trail 29-10-2025
14.	26/30-04-2025	21/25/29 NDPS Act, P.S SSOC Amritsar	Under Trail 23-10-2025



10. In 07 of the cases mentioned at serial nos.8, 9, 10, 11, 12, 13 and 14, petitioner was made accused, much after the registration of the cases, as he had already been arrested in other criminal cases. Further, stretching out his submissions, counsel argues that in most of the cases, either prosecution itself has cancelled the case on account of lack of evidence against the petitioner, or petitioner has been acquitted by the concerned Court. In none of these cases, as relied upon by the State, till date the petitioner has been convicted.

11. I have heard the submissions addressed by both the sides and have gone through the petition alongwith the status report.

12. Looking at the allegations and noticing the arguments addressed by the petitioner, and also the facts clarified by the respective counsel from both the parties, and also considering the total incarceration period of more than 03 years & 06 months, and that even the witnesses are not appearing on most of the occasions to give their statements before the Court, I do not find any substantial reason to deny the concession of bail to the petitioner. Therefore, prayer made in the present petition is accepted and petition is thus **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court / Chief Judicial Magistrate / Area Magistrate / Duty Magistrate concerned, if not required in any other case.

13. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

14. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis



of evidence available on record, as expeditiously as possible in accordance with law.

15. Petition stands disposed of.

27th October, 2025

Sonia Puri

**(SANJAY VASHISTH)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No