

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case No. Bail App No. 203/2025

Reserved on: 25.11.2025

Pronounced on: 08.12.2025

Uploaded on: 09.12.2025

Whether the operative part or
full judgment is pronounced

Chaman Lal, S/o Sat Pal, R/o Anandpur, ...Petitioner(s)
Tehsil Bari Brahmana District Samba

Through: Mr. P.N. Raina, Sr. Advocate with
Mr. J.A. Hamal, Advocate

Vs

U.T. of J&K Th. Station House Officer, ... Respondent(s)
Police Station, Jhajjar Kotli.

Through: Mr. Pawan Dev Singh, Dy. AG.

CORAM: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

(ORDER)

1. Petitioner-Chaman Lal is facing trial before the Court of learned 2nd Additional Sessions Judge, Jammu (the trial Court) on the charge of murder under Section 302 IPC and is seeking bail by invoking the jurisdiction of this Court under Section 483 of Bhartiya Nagarik Suraksha Sanhita (BNSS), as bail application by the trial Court came to be rejected vide order dated, 02.07.2025.

2. The petitioner is seeking bail mainly on the ground that by now the prosecution has examined as many as 10 witnesses out of listed 57 prosecution witnesses and from their statements neither any direct nor remote culpability of the accused can be inferred. It is further submitted that the prosecution witnesses, Major Singh, Omkar Singh, Moti Singh and Bodh Raj did not utter anything against the petitioner, in that no motive is attributed to the accused, thereby leaving the chain of circumstances incomplete.

3. It is also submitted that even going by the certificate of Forensic Science Laboratory, same is also inconclusive as it did not determine the blood group of the stains recovered from the weapon of offence i.e. iron pipe.

4. According to petitioner the prosecution witness; Major Singh, who happens to be the father of the deceased moved an application seeking further investigation against Pawan Singh, Rajan Singh, Sharda Devi and Karan Singh and also leveled allegation against the Karan Singh that he owed money to the deceased and further the father of the deceased alleged that deceased has invested money in the Dhaba, which was opened by Karan Singh, but the said application was dismissed. Petitioner has also raised the ground of long incarceration and that he has been charged on false and frivolous allegations.

5. In addition, Mr. P.N. Raina, learned senior counsel vehemently argued that the star witnesses stand already examined including the parents of the deceased, but they did not say anything against the petitioner. It is also canvassed at Bar that motive attributed by the prosecution for commission of offence is also not proved, therefore, once the case rests on circumstantial evidence and motive is not proved, same is fatal to the prosecution case. He further submits that even if all the prosecution witnesses will be recorded and they if supports the prosecution case, there is no possibility to fasten guilt on the petitioner.

6. In the above backdrop, the petitioner prays for grant of bail, particularly in view of the long incarceration and that the star witnesses have been examined, but they did not support the prosecution story.

7. On the other hand although, the objections stated to have been filed by the respondent but despite availing sufficient opportunities defects have not been removed, therefore, same are not placed on the file. However, Mr. P.D. Singh, learned Dy.AG during course of arguments placed reliance on the statements of witnesses recorded so far and also made submissions.

8. The main plank of argument is that the case rests on the circumstantial evidence and by now only 10 witnesses have

been recorded. Therefore, on the basis of statements of recorded witnesses, the finding cannot be returned as to whether or not the chain of circumstance is complete or not. Learned counsel further submits that the prosecution has been recording the statements of the witnesses without any delay and the star witnesses out of recorded witnesses, have duly supported the prosecution case. Therefore, it would be wrong to assume that the prosecution case has been rendered fragile because of these recorded witnesses.

9. Learned counsel further submits that keeping in view the proximity of the prosecution witnesses and the accused, it may not be proper to set the petitioner at liberty at this stage, as there is every apprehension of tampering and hampering with the prosecution case.

10. Heard and considered. Perused the record.

11. The accused, Chaman Lal is sent up for trial for commission of offence under Section 302 IPC for allegedly committing the murder of Uttam Singh S/o Major Singh R/o Sari Kallan Tehsil Dhansal District Jammu.

12. Very quick and succinctly, the prosecution story is that on 26.01.2022 accused, Chaman Lal, PW-10 Karan Singh along with deceased Uttam Singh alleged to have visited the house of PW-11 Pawan Singh to attend a religious congregation and also

enroute said to have filled fuel from Ganga Petrol Pump Bari Brahmana in the vehicle they were travelling.

13. When arrived at the house of PW-11 Pawan Singh, it is alleged that accused and PW-10 Karan Singh took tea, whereas, deceased and P-11 Pawan Singh had wine. At about 2100 to 2130 hrs, accused induced the deceased to accompany him to the backyard of the house on the pretext of urinating. Accordingly, deceased and accused went to the backyard of the house, there accused taking advantage of darkness alleged to have picked iron pipe being used for tethering the animals and hit the deceased on the head, inflicting grievous injuries that proved fatal.

14. The prosecution story further proceeds on the premise that leaving the deceased in pool of blood, accused had come back and asked the wife of PW-11, Pawan Singh, namely; PW-12, Sharda Devi, to provide water and while pouring water on his hands, PW-12 Sharda Devi has noticed stains of blood on his hands, and shoes, as such, she turned suspicious. She shared with her son, PW-14 Rajan Singh, who enquired from the accused, but he remained silent. Finally, PW-10 Karan Singh enquired about the whereabouts of deceased, Uttam Singh, the deceased alleged to have concocted a story that deceased had a fall, and is lying at the backyard of the house. Thereafter, PW-11, Pawan Singh, PW-10 Karan Singh, PW-12 Sharda Devi, PW-13

Kamna Devi and PW-14 Rajan Singh said to have found deceased lying unconscious in an injured condition at the backyard of the house and who later on shifted to GMC, Jammu, where he was declared dead. However, in the hospital, accused said to have fled from the spot in order to escape the consequences.

15. The prosecution story also contains the factual details delineating the motive that prompted the accused to commit the murder of deceased so as to revenge his humiliation caused by him some time back, but there is also another theory that accused owed the deceased money.

16. Be that as it may, it is important to note that charge in the case on hand came to be framed by the trial Court on 18.09.2023 and by now, prosecution has examined 10 witnesses out of listed 57 witnesses.

17. As the prosecution story goes the case rests on circumstantial evidence, and accused and the deceased were last seen together while going to the backyard of the house of PW-11 Pawan Singh for urination and after sometime accused alone returned and after some time deceased was found lying unconscious in the pool of blood. Therefore, it is to be seen, as to whether any of the recorded witnesses had the occasion to witness the occurrence, but did not support the prosecution case so as to find the prima facie culpability of accused.

18. Out of recorded 10 witnesses only PW-10 Karan Singh and PW-11 Pawan Singh are relevant so far, because the occurrence took place in the house of PW-11 Pawan Singh and PW-10 Karan Singh was the person who not only accompanied the deceased and the accused to the house of Pawan Singh but is a witness who had seen deceased and accused last together.

19. Since the trial is going on, therefore, it is not proper to delve deep into testimonies of PW-10 and PW-11, however, it is sufficient to note that both the witnesses have supported the prosecution story that immediately before the alleged occurrence deceased and accused were seen together proceeding towards the backyard of the house of Pawan Singh, but after some time only accused had returned. Therefore, other recorded 8 witnesses though stand in very close relationship with the deceased but are not relevant to the occurrence so far.

20. It is PW-12 Sharda Devi, PW-13 Kamna Devi and PW-14 Rajan Singh who had the opportunity to see stains of blood on the hands and shoes of the deceased and their testimonies are yet to be recorded. Therefore, it will be too early to say that the motive is not proved and chain of events is broken only on the basis of the testimonies of those witnesses, who have gained the knowledge regarding the death of the deceased from other sources.

21. The material on record reveals that the accused, the material witnesses, and the victim's family hail from close-knit social and community setup, wherein they are known to be on regular visiting terms with each other. In such circumstances, if the accused is enlarged on bail at this stage, there exists every likelihood of him influencing or intimidating the unexamined star witnesses, thereby obstructing the fair course of justice.

22. It is well settled proposition of law that where there is a reasonable apprehension of the accused subverting the judicial process through such interference, bail must be denied.

23. Therefore, considering the gravity of the offence and the potential or miscarriage of justice, the prayer for bail is required to be rejected in the case on hand also. As it is noticed that the material witnesses are yet to be examined, coupled with the fact that expert evidence has also a crucial role to play, in that as per post-mortem examination report, the cause of death is cranio cerebral damage (head injury), which is sufficient to cause death in an ordinary course of nature.

24. In the above backdrop, it will be too early in the day to come to the conclusion that the chain of circumstance is rendered incomplete because the prosecution witnesses who happens to be the close relative of the deceased did not support the prosecution case. It is so because the evidence of each

witness must be appreciated keeping in view the facts which are sought to be established by that witness.

25. Therefore, if some of the witnesses did not support the prosecution case, who otherwise were not witness to the occurrence, in that event jumping to the conclusion that prosecution failed to prove the guilt would be nothing but a far fetched self conceived notion but not the rule of evidence.

26. As it has been observed that PW-10 and PW-11 have prima facie supported the prosecution story and star witnesses have yet to enter the witness box, therefore, prima facie, no ground is made out to come to the conclusion that accused has not committed the alleged offence.

27. In the above backdrop, no ground for interference at this stage is made out. Accordingly, the petition is ***dismissed***.

28. However, it is made clear that the observations made in this order are limited to the adjudication of the present bail application and shall not prejudice the merits of the case during trial.

(SHAHZAD AZEEM)
JUDGE

JAMMU
08.12.2025
Mihul

Whether order is speaking: Yes/No
Whether order is reportable: Yes/No