

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:090186



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CRM-M-14860-2026 (O&M)
Date of decision:07.07.2026

Tamana @ Tamnna

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mohit Jaggi, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case arising out of FIR No.154 dated 12.05.2024, registered under Sections 302 and 34 of IPC, at Police Station City Kharar, District SAS Nagar, Mohali.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Subhash Chander alleging therein that his son Tushar was staying in live-in-relationship with the petitioner and had been living in the house of his acquaintance Kulvir at Kharar. In the morning of 12.05.2024, he received a call from Kulvir intimating that his son had been murdered and also that the present petitioner and co-accused

Aman, a friend of his son, were found present with the victim in the same room on the previous night but now they were missing from that place. On making inquiry from another tenant in the same premises, namely, Kartik, the complainant came to know that his son had expressed apprehension before him that he was having threat of his death at the hands of Aman. As such, he prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. The dead body of victim Tushar was found lying on the bed of his tenanted room, which was sent for post mortem examination. The petitioner and co-accused Aman were arrested from one hotel situated at Naya Gaon, District SAS Nagar Mohali. From the hotel room, a polythene bag containing shorts, pant and shoes of accused Aman and blood stained clothes of the petitioner were recovered. The petitioner and co-accused suffered disclosure statements admitting their involvement in the murder of the victim by disclosing that they had inflicted head injury upon the deceased with a gas cylinder. The said gas cylinder, which was found to be blood stained, was also recovered in pursuance of their disclosure statements. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. There is no direct evidence to the murder of the victim. The case rests upon circumstantial evidence and there is no circumstance to connect her with the crime. She is in custody since long. The trial will take considerable time to conclude. Co-accused Aman has been extended benefit of bail. Her case is at similar footing and as such, she too deserves to be extended the same benefit. She has clean antecedents.

The material witnesses have already been examined and therefore, there are no chances of her intimidating them. It is, thus, argued that she deserves to be extended the benefit of bail.

5. Per contra, learned State counsel has argued that the allegations against the petitioner are serious in nature. She along with the co-accused had committed the murder of the victim on the fateful night and they were lastly seen with the victim at the place of occurrence. She has not rendered any explanation as to cause of death of the victim. The material witnesses i.e. PW1 Vishal and PW2 Dishant Khatkar have supported the prosecution version. Being living partner of the petitioner, she was supposed to be occupying the same premises on the fateful night when the crime was committed and as such, she was required to give some satisfactory explanation, which has not been so given and as such, under the provisions of Section 106 of the Indian Evidence Act (corresponding to Section 109 of the BNSS), there is presumption that she was the murderer of the victim. It is, therefore, stressed that she does not deserve to be extended the benefit of bail

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner along with co-accused is alleged to have caused the homicidal death of the victim by striking blows with a gas cylinder on his head. She was lastly seen with the co-accused. The fact that she along with co-accused was apprehended from a hotel after the occurrence, *prima facie* indicates her involvement in the crime. So far as the parity is concerned, undoubtedly, the co-accused, who is also accused of committing

murder of the victim, has been extended benefit of bail but this Court is of the considered opinion that the parity itself cannot be a sole ground for grant of bail and it is purely a discretion of the Court. It is well settled that before granting or refusing bail, the Court must satisfy itself after considering the material on record and further developments in the investigation or otherwise other peculiar facts of the case that there are sufficient grounds for releasing the accused on bail or not. The Court must focus on the role of the accused and the plea of parity cannot be utilized solely because another accused person was granted bail in connection with the same offence and cannot be claimed as a matter of right. In this regard, reliance can be placed upon a decision made by the Hon'ble Supreme Court in **Sagar Vs. State of U.P. and another, (2025) SCC Online SC 2584**, wherein it was so observed.

8. Taking into consideration the role alleged to have been played by the petitioner in the commission of subject offences, the fact that she was a living partner of the victim and on the fateful night also, when the murder of the victim took place, was found in their room along with co-accused and the victim and had been seen while drinking and eating together with the victim and the co-accused, shows her *prima facie* complicity in the commission of offence of murder of the victim. Though, she is in custody for a period of more than 02 years and 01 month, however, mere prolonged period of custody is not a sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1***

SCC, 242 and State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC).

9. In the light of the foregoing legal principles and other circumstances as discussed above, this Court finds no compelling ground to allow this petition. Accordingly, the petition is dismissed.

10. It is clarified that any observation made in this order is only for deciding this petition and shall not influence the outcome of the trial and also not be taken as an expression of opinion on merits.

11. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

07.07.2026

harjeet

**(MANISHA BATRA)
JUDGE**

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