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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 22577-2023 (O&M)

Date of Decision: 10.05.2023

Balwinder Singh alias Sunny

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Madan Sandhu, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

This is the third petition filed by the petitioner, by which he has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 112 dated 25.09.2021 under Sections 302, 34 IPC and later on added Section 182 IPC registered at Police Station Sadar Phagwara, District Kapurthala.

Briefly stated the facts of the case are that Sukhraj Singh the co-accused accompanying with his uncle Hardeep Singh recorded his statement before the SHO, Phagwara that his father Baljit Singh and his

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mother Sukhwinder Kaur were not having cordial relations and due to said reason he along with his mother and sister is residing in rented house in Mohalla Baba Gadhia for the last four years whereas his father is residing at Bhullarai. He received phone call at 9.00 a.m. of his paternal Aunt Jaswinder Kaur that some unknown persons killed his father Baljit Singh in the house at Bhullarai by giving blows on his head . Then he along with his mother reached at the house at Bhullarai and dead body of his father was lying on the cot in the courtyard. Some unknown persons had inflicted severe injuries on the head of his father with sharp edged weapons. The blood was oozing and his father was dead. After recording the statement of Sukhraj Singh, the offence under Section 302/34 IPC was found to have been committed. SHO alongwith police party reached at the spot. Site plan was prepared. The postmortem was got conducted from the Civil Hospital, Phagwara. During the investigation, it was found that complainant Sukhraj Singh had told to his paternal uncle Hardeep Singh that he in connivance with the petitioner and one Parshant committed murder of his father on 24/25.09.2021 by hitting baseball on his head as his father was not giving him amount for going abroad and that due to said reason he also started residing with his mother in a rented house at Baba Gadhia. Sukhraj Singh sought help of his paternal uncle to sort out the matter as he came to know that the police was now aware of the real facts. On 07.10.2021 Sukhraj Singh and Parshat Rai were arrested. In pursuance to his disclosure statement Sukhraj Singh got recovered broken baseball. Petitioner was arrested on 11.10.2021 and he also got recovered baseball in pursuance to his disclosure

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statement.

Learned counsel for the petitioner contends that the petitioner is innocent and has no relation with other co-accused mentioned in the FIR and even the story of the prosecution is based on hearsay evidence only and there is no eye witness to the occurrence. The allegations against the petitioner are that he alongwith the co-accused has allegedly committed murder of Baljit Singh. He further contends the only role attributed to the petitioner is that he was standing outside the house i.e. place of occurrence.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner while submitting that the offence alleged against the petitioner is serious in nature and earlier also. The first bail application was preferred against order of the trial court dated 14.10.2022 but was dismissed as withdrawn vide order passed in CRM-M-49974-2022 dated 16.02.2023. Subsequently the second bail application vide CRM-M-12376-2023 was also dismissed as withdrawn vide order dated 28.03.2023. Now this is the third bail application on similar facts where there is no change in the circumstances and the allegations against the petitioner are serious in nature, who along with the co-accused has allegedly committed murder of Baljit Singh.

I have heard learned counsel for the parties.

In view of above and since there is no change in circumstances and keeping in view the gravity of offence, this Court finds no ground to

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entertain this petition and is not inclined to grant the concession of regular bail to the petitioner.

Petition is dismissed accordingly.

(DEEPAK MANCHANDA)
JUDGE

10.05.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>