

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-18208-2024 (O&M)
Date of Decision:- 17.05.2024

BALJINDER SINGH @ NIHANG

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. D.S. Gandhi, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG Punjab.

Mr. Sanjeev, Advocate for
Mr. J.S. Dadwal, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
15	31.01.2024	302 and 34 IPC	E-Division, Amritsar

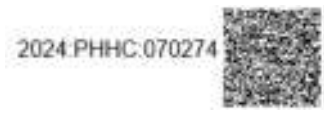
2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that no specific overt act is attributed to the petitioner to connect him with the crime and even in the CCTV footage, the petitioner is not



clearly visible. He submits that the petitioner is ready to join investigation and thus prayed for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply submitted by State and assisted by learned counsel for the complainant has assailed the arguments advanced by learned counsel for the petitioner and submits that the petitioner had repeatedly inflicted blows on the head of the deceased with *kara* (iron bangle) worn by him. He submits that petitioner along with other co-accused had earlier tried to project the death of the deceased to be result of heart attack, but the body was bearing head injuries, which on seeing the CCTV footage led to the conclusion that the deceased was brutally beaten by the accused-petitioner by giving *kara* blows on his head. He submits that the custodial interrogation of the petitioner is required to recover the *kara*, thus, prayed for dismissal of the bail petition.

4. After considering the rival contentions and perusing the record, it transpires that the case of prosecution is that the deceased used to ply taxi outside Saragarhi Sarai. On 27.01.2024, at about 09:00 PM, the complainant (wife of the deceased) received a telephone call from a co-driver that her husband has suffered heart attack and after some time, she was informed that her husband has expired. Subsequently, the dead body was brought to the village. The daughter of the deceased came from Australia and while performing bath of the body before cremation, the complainant found injury marks on the head of the deceased but the body was cremated assuming that the deceased might have received the head injuries by falling on the ground at the time of heart attack. However, on 30.01.2024, the complainant



received a secret information that her husband was in fact beaten by the accused persons including the petitioner. The complainant along with her relatives enquired about the same and also got checked the CCTV cameras installed at Saragrahi Sarai, on the basis whereof, the present FIR was registered.

5. The allegations levelled against the petitioner are that he had actively participated in the crime by inflicting repeated *kara* blows on the person of the deceased.

6. Therefore, considering the serious nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

17.05.2024
S.Sharma(syr)

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |