



CRM-M-25859-2024

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-25859-2024
Date of decision: 5th November, 2024

Baljeet Singh @ Balla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bhupinder Banga, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 3 dated 5.01.2021 registered under Sections 302 and 201 of IPC, 1860 at Police Station Phillaur, District Jalandhar.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Hansraj on 05.01.2021 alleging therein that his nephew Harmesh was running business of interior decoration in a shop at Phagwara. On 01.01.2021, he had gone to his shop from his house at Phillaur but did not return home. On being informed by the wife of the Harmesh Kumar, they had made search for him but could not find him. Matter was reported to the police on 04.01.2021 and FIR had been registered under Section 346 of



IPC. He further recorded that on 05.01.2021, on being informed, he had rushed towards the bus stand, Phillaur and had found the dead body of his nephew to be lying near the bus stand. Several injuries were found on the dead body and the victim appeared to have been brutally murdered. After registration of FIR, inquest proceedings and post mortem examination of the dead body were conducted. On 15.02.2021, the complainant recorded a supplementary statement, alleging that the present petitioner in conspiracy with some accomplices had murdered the victim. The motive which was attributed to the petitioner was that about one year back, the victim had extended beatings to the petitioner on some issue and ever since then, he was holding grudge against the victim and had killed him to take revenge. On the basis of this statement, the petitioner was nominated as an accused. He was arrested on 15.01.2021. He suffered a disclosure statement admitting his involvement in the crime and got recovered the car used by him at the time of commission of offence of murder of the victim as well as iron rod used by him for this purpose. Investigation has since been completed and the petitioner is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case after a gap of about one month from the date of occurrence. There is no direct evidence to connect him with the subject crime. The prosecution has not even collected any circumstantial evidence against him. The trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be extended benefit of bail.



4. Status report has been filed by respondent-State. In terms of the contents thereof, it is argued by learned State counsel that there are serious and specific allegations against the petitioner, who brutally murdered the victim by causing several injuries on his person and caused disappearance of evidence of the offence by throwing the dead body of the victim on a side of the road. The material witnesses are yet to be examined. There are chances of petitioner's absconding on intimidating the witnesses, if extended of benefit of bail. Therefore, it is urged that petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have committed the murder of the victim and is further alleged to have caused disappearance of evidence of offence committed by him. The fact that he had not been named in the FIR, is not a circumstance which entitles the petitioner to be extended benefit of bail. The material witnesses are yet to be examined. There is, however, nothing on record to show that there would be any undue delay in conclusion of the trial. The gravity of the allegations is an important factor for considering grant of benefit of bail to an accused. Keeping in view the grave nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not



CRM-M-25859-2024

-4-

deserve to be allowed. Hence the same is dismissed.

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

[MANISHA BATRA]
JUDGE

5th November, 2024
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |