



CRM-M-38458-2024

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-38458-2024

Date of decision: 2nd December, 2024

Sukhdeep Singh @ Mani

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gaurav Sharma, Advocate for the petitioner.

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

MANISHA BATRA, J (ORAL):-

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 bearing FIR No. 55 dated 25.09.2022 registered under Sections 302, 201, 364, 342 read with Section 34 of IPC, 1860 at Police Station Bhadaur, District Barnala.

2. As per the allegations, the petitioner by hatching a conspiracy with the co-accused Avtar Singh @ Honey, Ravinder Singh @ Gagan and Kala @ Watta had called the victim (who was a taxi driver) on 21.09.2022, on the pretext of dropping a passenger and had abducted him and thereafter, killed him by strangulating him. The motive which is attributed to him for murdering the victim is that he had borrowed an amount of Rs. 10,000/- from the victim and had returned an amount of Rs. 4,000/- only and that too



when the victim had informed the police. He was not making payment of remaining amount of Rs. 6,000/- and was offended with the demand of that money as raised by the victim.

3. The present petition has been filed by the petitioner on the grounds and it is argued by learned counsel for the petitioner that he had not been named in the FIR. There is no eye-witness to the murder of the victim. The complainant and witness Nachatttar Singh- uncle of the victim have been declared hostile and their statements are not proved to be reliable. The petitioner is in custody since 25.09.2022. Trial is likely to take time. His further detention would not serve any useful purpose. Subject offences have not been made out against him. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel in terms of the status report, on the other hand has vehemently argued that there are serious allegations against the petitioner. Though PW-1-Jagbir Kaur i.e. mother of the victim, PW-2 Nachatttar Singh, uncle of the victim had been declared hostile, however, their statements prove the complicity of the petitioner in the abduction and committing murder of the victim and they have supported the prosecution version to that extent. The allegations against the petitioner are serious in nature. There are chances of his absconding, if extended benefit of bail. Therefore, it is urged that the 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 along with the co-accused is alleged to have abducted the victim on 21.09.2022 and is further alleged to have strangled him and caused his death. Certified copies of statements of complainant i.e. PW-1 Jagbir Kaur and PW-2 Nachattar Singh have been placed on record as Annexures P-4 and P-5 respectively and a perusal of the same reveals that though both the witnesses were declared hostile but they have supported the prosecution version to the effect that the victim had been called by the petitioner and co-accused on 21.09.2022, on the pretext of hiring a taxi and had been killed. PW-2 is shown to have supported the prosecution case that he had overheard the conversation between the petitioner and co-accused qua committing murder of the victim. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Keeping in view the nature of the subject offences, 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 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

2nd December, 2024

Parveen Sharma

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