



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-41424-2024

Date of decision: 03.10.2024

Balvir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Supinder Singh Sohi, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.161 dated 25.07.2020 under Sections 457, 380, 450, 302, 411, 201 of the IPC registered at Police Station Amargarh, District Malerkotla.

2. Learned counsel for the petitioner submits that the FIR was initially registered against unknown persons, and the complainant, the daughter of the deceased, did not express any suspicion regarding the petitioner's involvement in her mother's murder. Surprisingly, four months after the incident, the prosecution introduced a new version, claiming that during the investigation of the petitioner in an unrelated criminal case, it was discovered that he was involved in the present case. Consequently, the petitioner was arrested on 07.11.2020, and sent for trial. It is argued that the petitioner had no motive to commit the



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murder. Additionally, it has been emphasized that the complainant during trial did not allege anything against the petitioner, as a result was declared hostile during the trial. In light of these facts and circumstances, it is submitted that keeping the petitioner in custody would serve no useful purpose, and he is entitled to bail.

3. Per contra, learned counsel for the State has opposed the petitioner's prayer and submissions by arguing that the complainant was not an eyewitness to the crime and that the case is based on circumstantial evidence. When the FIR was lodged, the complainant clearly mentioned that certain documents, including passbooks, insurance papers, cards, and other valuables belonging to the deceased, were missing from the house, and all the articles in the house were lying scattered, suggesting theft as the motive for the murder. The learned State counsel contends that during the investigation of the petitioner in another case, his role in the present case was revealed; a search of his house was conducted, and the stolen documents were recovered, linking him directly to the present case. This recovery, the learned State counsel argues, leaves no manner of doubt about the petitioner's involvement in the murder. Learned State counsel further submits that, even though the complainant did not fully support the prosecution's case during the trial, this does not exonerate the petitioner, especially since the FIR contained specific details of the missing items, which were later recovered from the petitioner's house following his own disclosure statement. It has been further submitted that it is a matter of record that the petitioner has previous criminal



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antecedents also.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. Before proceeding further, it would be relevant to reproduce the FIR in question which reads as under:-

“Duplicate statement, "Statement Manjit Kaur wife of Kirpal Singh resident of village Khera police station Dehlon aged about 48 years old 99146-46509. Stated that I live at the above-said address and I am a houseworker. My father Hari Singh died earlier and my mother Tej Kaur who is about 82/83 years old lives alone at home. Today at around 8:15 A.M. I was present at my house, then I got the phone of Darshan Singh son of Ajaib Singh resident of Guara, who lives in front of my mother's house. I came to know that my mother Tej Kaur had been murdered then I went to Guara village and saw that my mother's body was lying on a cot in the yard of the house with a chunni tied around her neck and a chunni was also put in her mouth and she was naked from lower body and There were blood stains present on the private part of my mother and things were taken out of the almirah (Paiti) in the room of the house and clothes and papers were scattered. My mother Tej Kaur's Punjab Grameen Bank passbook and Punjab Government Health Insurance Scheme card were also missing from the Almirah (Paiti). My mother Tej Kaur was murdered last night by some unknown persons who trespassed on the house with the intention of stealing. Then I and my husband Kirpal Singh son of Manjit Singh were going to give a statement to you but outside the village Guara on the main road we met you and you wrote the statement. I read it, heard it, True/-Manjit Kaur said, verified statement SD/-Kripal Singh said, verified True/-Rajesh Kumar INSP.”

6. No doubt, the case at hand is based on circumstantial evidence. However, the recovery of stolen articles, particularly passbooks, and certain other documents belonging to the petitioner from the house of the petitioner, following his own disclosure statement, prima facie links the petitioner to the murder in question and



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from the totality of the circumstances spells out the motive also to commit the crime in question. This Court, therefore is not inclined to extend the concession of bail to the petitioner. The instant petition stands dismissed accordingly.

7. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. However, in the wake of the long custody period of the petitioner, the learned Trial Court is directed to conclude the trial expeditiously, preferably within the next five months.

03.10.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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