

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.51777 of 2024
Reserved on: 12.11.2024
Pronounced on: 28.11.2024

Sandeep Singh @ Seepa ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vivek Singh, Advocate and
Mr. Vivek Salathia, Advocate
for the petitioner(s).

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
10	05.03.2024	Kabirpur, District Kapurthala	302, 34 IPC (later on offence u/s 120-B, 148, 149 IPC added and 34 IPC deleted)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“ That the record reveals that the allegations of the prosecution are that complainant/Jugraj Singh suffered a statement that on 04.03.2024 at about 8.00 pm his younger brother Balvir Singh received a telephonic call from Lakhwinder Singh @ Lakha and Balvir Singh went to meet Lakhwinder Singh @ Lakha but did not return. They started searching for Balvir Singh during the course of which they found Balvir Singh smeared in blood was lying near the motor room in his fields. On checking, he was found dead and his body was cold. There were sharp deep injuries on his head and neck part. On the basis of statement of complainant, present FIR was registered and investigation was initiated during the course of which accused Lakhwinder Singh @ Lakha was

arrested.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“ROLE OF PETITIONER

That as per prosecution case, on the basis of disclosure statement made by co accused Lakhwinder Singh @ Lakha, the name of the petitioner has been nominated as an additional accused. Since the intentional/planned murder of the deceased was the motive of the petitioner and his associates. So, at this stage the allegations as emerged during investigation are grave regarding the murder of Balvir Singh. As per record the petitioner has inflicted multiple injuries on the neck of the Balbir Singh, with his datar. The co-accused/Gian has also confessed and disclosed the presence as well as active participation of the petitioner in the commission of murder of Balbir Singh vide his disclosure statement dated 11-03-2024.

EVIDENCE AGAINST THE PETITIONER

That as per record, un-rebutted allegations of the murder of Balvir Singh are available in the police record and the co-accused/Gian has also confessed and disclosed the presence as well as participation of the petitioner in the commission of murder of Balbir Singh in his disclosure statement dated 11-03-2024, de-spite the disclosure statement of co- accused Lakhwinder Singh.

3. That after registration of the present FIR, accused Lakhwinder Singh @ Lakha, was arrested on 05-03-2024 and was produced before the court of SDJM/Sultanpur Lodhi. The Ld. SDJM ordered for the police remand of the accused for further investigation. During the course of further investigation, the said accused got recovered the weapon/Takua, by which he inflicted deep sharp injuries on the head of the Balbir Singh as well as the blood smeared shirt and mobile phone of the deceased. Not only this, the said accused narrated the cause of murder of Balbir Singh and participation of the petitioner along-with other co-accused i.e. Kamaljit Singh, Joban Singh (Juvenile), Sukhwinder Kaur and Gian Singh vide his disclosure statement dated 08-03-2024. Similarly, co-accused Gian vide is disclosure statement dated 11-03-2024 has confessed and disclosed the active participation of the petitioner in the commission of crime. The arrest memos and recovery memos have been prepared accordingly.”

7. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact

of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

8. The petitioner’s custody of around 07 months and 25 days cannot be termed prolonged, given the sentence prescribed for the offense, which is imprisonment for life.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

10. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

28.11.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.