



CRM-M-52616-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-52616-2024

Date of decision: 11th December, 2024

Rohit Sehgal @ Bulli

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mohinder Kumar, Advocate for the petitioner.

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

MANISHA BATRA, J (ORAL):-

1. 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. 48 dated 27.04.2021 registered under Section 302 of IPC, 1860 at Police Station Division 1, Police Commissionerate Jalandhar, Punjab.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the allegations that on 27.04.2021, on receipt of an information regarding death of victim Pankaj Sehgal having taken place due to injuries sustained in some quarrel, a police party had reached at the spot and recorded the statement of Birja Nand, father of the victim to the effect that the victim was his elder son. On 26.04.2021, the victim along with the petitioner who is younger son



of the complainant had gone to do labour work. They had come back in the evening. At about 9:30 PM, the petitioner and the victim were consuming liquor and the petitioner had demanded his money from the victim. A quarrel took place between them and they started abusing and manhandling with each other. He alleged that the petitioner then picked up a knife in his presence and struck a blow with the same on the right side of chest of the victim Pankaj, within his sight, due to which blood started oozing out of his chest. The petitioner had fled away. The victim was immediately rushed to the hospital but had died. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 27.04.2021. He suffered a disclosure statement admitting his involvement in the subject crime. Investigation has since been completed and the petitioner is facing trial for commission of offence punishable under Section 302 of IPC.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Neither the complainant nor other material witnesses who had allegedly witnessed the occurrence have supported the prosecution version in their respective sworn depositions as recorded before the trial Court. All the material witnesses have been examined. Since their statements do not prove the guilt of the petitioner, therefore, it is urged that he has become entitled to extended benefit of bail, especially due to the reason that he is in custody for a period of more than four and half years. Trial is likely to take time. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is argued



by learned State counsel that there are serious allegations against the petitioner. The complainant and one of the material witnesses are none other than the father and brother of the petitioner. The other witnesses are residing in neighbourhood of the petitioner. They have obviously colluded with the petitioner and that is why, they have not supported the prosecution version. Sufficient material had been collected during the course of investigation to prove the complicity of the petitioner in the subject crime. Keeping in view, the gravity of the allegations as levelled against him, he does not deserve to be given 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 is alleged to have murdered his own brother on the night of 26.04.2021 by giving stab wound to him with a knife, while both of them were consuming liquor. The FIR had been lodged on the basis of complaint recorded by the father of the victim and the petitioner, who was an eye-witness to the incident. Copies of statements of father of the petitioner as well as other witnesses have been placed on record and the same show that they have not supported the prosecution version and have not implicated the petitioner in commission of offence of murder of the victim by saying that some unidentified assailant entered into the house of the victim and killed him. However, keeping in view the fact that the complainant was none other than the real father of the petitioner the



possibility of his cringing with the petitioner cannot be ruled out. The other witnesses are also brother and neighbourers respectively of the petitioner. The deposition made by the complainant that some unknown person had entered into their house and killed the victim is to be considered on thorough assessment and evaluation of the evidence to be produced on record during the trial since it is a debatable question that as to why the fact that some unknown person had killed the victim was not disclosed by the complainant and other material witnesses at the time of lodging of the FIR or during the course of investigation. Keeping in view the serious nature of the allegations 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 deserve to be allowed. Accordingly, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

11th December, 2024

Parveen Sharma

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