



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

303

CRM-M-1420-2025

Date of decision: 4th March, 2025

Pankaj Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Shivaly Singla, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, 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. 32 dated 13.02. 021 registered under Section 302 read with Section 34 of IPC (Sections 364, 201, 120-B of IPC added later on and Section 34 of IPC deleted) at Police Station Mataur, District SAS Nagar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant- Parveen Kumar that on 10.02.2021, his elder brother Sunil Kumar had left home by informing his family members that he was going to attend some marriage function with his friend. He did not return home. His mobile phone was also found to be switched off. The complainant and his nephew Mayank Goyal made search



for the victim but could not find him. A missing report was lodged by him on 12.02.2021. After sometime, he came to know that the car of the victim was lying parked at Khajoli bridge, near Morinda, District Ropar and had taken into custody by the police. Then on 13.02.2021, on receipt of information regarding a dead body found floating on the shores of Bakhra Canal, the complainant along with his relatives had rushed to the spot and identified the dead body to be of that of his brother. The limbs of dead body were tied with a plastic rope and neck was tied with handkerchief and tape. Inquest proceedings were conducted. Post-mortem examination of the dead body was done.

3. As per the further allegations, the complainant recorded his supplementary statement on 24.02.2021 to the effect that the petitioner was a business partner with the victim and both of them were having relations with one Daljit Kaur. A few days back, some altercation had taken place between the petitioner and the victim and that he suspected that by acting in connivance with each other, the petitioner had murdered the victim. On the basis of supplementary statement of the complainant, the petitioner and Daljit Kaur were nominated as accused. They were arrested on 25.02.2021. An alto car was recovered from their possession. They were interrogated and disclosed that the victim as well as the petitioner were in regular contact with Daljit Kaur. The victim had been blackmailing the petitioner by using certain objectionable photographs of accused Daljit Kaur and the petitioner. An altercation had taken place between them on 09.02.2021 and then by hatching a conspiracy, the victim was invited to the house of accused Daljit Kaur, he was made to consume liquor and was confronted about his actions



of blackmailing the petitioner. He was made to write a written apology and thereafter, both the petitioner and the accused Daljit Kaur had opened an assault upon the victim and killed him. Thereafter, his dead body was taken to Morinda in Alto car belonging to the petitioner and was thrown in Bhakra canal. The petitioner also got recovered the letter got written from the victim and a black coloured activa scooter as well as tape used by him for tying the neck of the victim. The investigation stands concluded and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is no direct evidence to the murder of the victim. The disclosure statement alleged to be suffered by him and co-accused cannot be considered to be admissible in evidence. No incriminating evidence has been collected in pursuance of that disclosure statement. The complainant concocted a false story after ten days of incident. Trial is likely to take time. He is in custody since long. No useful purpose would be served by detaining him in custody. Prolonged period of incarceration is a ground for entitling him to be released on bail. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

5. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner who in connivance with the co-accused had hatched a conspiracy with the co-accused and then killed the victim and also caused disappearance of evidence of offence of murder of the victim by throwing



his dead body in Bhakra canal. Trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. Therefore, it is argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner in connivance with the co-accused is alleged to have committed the murder of the victim as on 10.02.2021. Trial is going on. The allegations against the petitioner are quite serious in nature. Keeping in view the gravity of allegations, 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.

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

[MANISHA BATRA]
JUDGE

4th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*