

2025:PHHC:083178



240.

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

CRM-M-6593-2025

Date of decision: 10.07.2025

Angrej Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. A.S. Barnala, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.601, dated 29.12.2023, under Sections 302, 397, 411, 34 of IPC, registered at Police Station City Barnala, District Barnala.

2. Learned counsel for the petitioner submits that the instant case hinges entirely on circumstantial evidence and that the petitioner has been in custody since 30.12.2023. Drawing the attention of the Court to the FIR (Annexure P-1), it is pointed out that one Tarsem Mistri had telephonically informed one Parwana that the deceased, Mahinder Singh, had been found brutally assaulted by unidentified persons and was lying unconscious and motionless.

3. It is further submitted that at no stage was any suspicion raised against the petitioner in the initial version. The investigation carried out by the police has not yielded any direct or cogent evidence connecting the petitioner to the commission of the alleged murder. Learned counsel has also laid emphasis on the fact that in a prosecution based on circumstantial evidence, motive assumes significant importance, yet no clear or compelling motive has been attributed to the petitioner. Though, as per the prosecution, the alleged motive was theft of a gas cylinder, construction material, and hardware articles, it is an admitted position, as per the learned counsel, that no recovery of any such purportedly stolen item has been made from the petitioner.

4. Learned counsel has also drawn attention of this Court to the case of the prosecution that the deceased was allegedly murdered using a wooden log, which was found at the place of occurrence itself. It has been asserted by the learned counsel that the said weapon of offence was not recovered pursuant to any disclosure made by the petitioner, nor has any scientific evidence, including fingerprints been obtained from the weapon to establish a link with the petitioner. Upon being specifically queried, learned counsel clarified that there is neither any witness of last seen nor any witness claiming any extrajudicial confession made by the petitioner.

5. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner, or the fact that the case is

entirely based on circumstantial evidence. On further instructions, it has been fairly conceded that no scientific evidence – such as fingerprints, footprints, or other forensic material, has been collected from the scene of crime which may implicate the petitioner. It has also not been disputed, on instructions, that none of the alleged stolen items have been recovered from the petitioner.

6. Upon further query, it has been submitted, on instructions, that out of a total of 26 prosecution witnesses, only 04 have been examined so far, which includes the complainant and the doctor, who conducted the post-mortem examination.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. The present case is admittedly based on circumstantial evidence. As per the own showing of the prosecution, no scientific or forensic evidence has been collected to establish the involvement of the petitioner in the alleged crime. The purported weapon of offence was found at the place of occurrence and was not recovered as a consequence of any disclosure made by the petitioner. Further, no recovery of stolen property, which is said to constitute the motive for the offence, has been effected from him. In such a scenario, and in the absence of any witness of last seen or extrajudicial confession, further incarceration of the petitioner, particularly in the face of a protracted trial, would not be justified.

9. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

July 10, 2025
sanjeev

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