

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:101336



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CRM-M-8348-2025

Date of decision:05.08.2025

Phool Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajneesh Budhiraja, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. This is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No.123 dated 18.04.2023, registered under Section 302 IPC at Police Station Sohana, District SAS Nagar, Mohali. His previous petition bearing No.CRM-M-17402-2024 has been dismissed as withdrawn by this Court vide order dated 02.09.2024.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant-Yashoda alleging therein that the petitioner who was her nephew, had been living with her family from the past one month. On the night of 17.04.2023, he was under the influence of liquor. He had an argument with her husband Dwarka Parsad as he had been

instigating the son of the complainant to live separately from his father but the husband of the complainant did not want to do so. A verbal altercation had taken place between the petitioner and her husband but she had pacified them. Thereafter her husband had gone to perform his duty as a watchman at a house in Mohali and the petitioner had also gone outside. He came back at about 12:40 AM on the same night and informed the complainant and her daughter that he had killed Dwarka Parsad. On hearing so, the complainant rushed towards the place where her husband had gone and found him lying dead on the floor of the house. After registration of the FIR, investigation proceedings were initiated. Post mortem examination on dead body of the victim was conducted. Inquest proceedings were also conducted.

3. The petitioner was arrested on 18.04.2023 itself. He suffered disclosure statement admitting his involvement in the crime. The investigation now stands completed and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No test identification parade has been conducted. A false recovery of weapon of offence has been planted upon him. He is in custody since long. The trial will take considerable time to conclude as many witnesses are still to be examined. There is no eye witness to the occurrence. The case is based on circumstantial evidence and there is no circumstantial evidence to connect him with the offence of murder of the victim. The statements of the complainant Yashoda and Kiran have since been recorded before the learned trial Court. There are no chances of intimidating these witnesses. Even otherwise, they have admitted that they

did not eye witness the occurrence. Further incarceration of the petitioner would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

5. Status report has been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties carefully.

7. The petitioner is alleged to have an altercation with the victim Dwarka Parsad on the night of 17.04.2023. On the same night, he is alleged to have killed the victim by striking blows with a danda. Though, the occurrence had not been eye-witnessed by anyone but as per the status report, CCTV camera was installed nearby the house wherein the victim was present at the time of occurrence and was performing duty as a chowkidar and the footage of that camera showed that the petitioner had reached there at about 12:23 AM and had an argument with the victim and then he had assaulted the victim by striking six blows with a stick on his head and thereafter fled away. The petitioner himself has placed on record copies of sworn depositions as made by the complainant and her daughter and both of them are shown to have clearly stated that the petitioner himself had come to their house on the night of 18.04.2023 at about 12:40 AM and had told them that he had killed Dwarka Parsad. The allegations against the petitioner are quite grave in nature. His complicity in the crime prima facie stands established from the evidence which has come on record and on the basis of allegations as levelled by the prosecution.

Taking into consideration the severity of the allegations, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, but without meaning to make any comment on the merits of the case, lest they prejudice the trial, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

05.08.2025*harjeet***(MANISHA BATRA)
JUDGE**

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