

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

CRM-M-11108-2025

Reserved on: 7th August, 2025

Pronounced on: 12th August, 2025

Sita Guli Sheikh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Davind Sardana, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

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. 97 dated 18.03.2021 registered under Section 302 of IPC at Police Station City Kharar, SAS Nagar, Mohali.

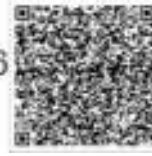
2. As per the allegations, on 18.03.2021, upon receipt of telephonic information about the dead body of an unknown person lying at Captain Chowk Khanpur, near Labor Shed Kharar, a police party reached there and shifted the dead body to the mortuary of Civil Hospital, Kharar. The identity of the dead body could not be ascertained. A case under Section 302 IPC was registered. Investigation proceedings were initiated. On 19.03.2021, one FirdoshiBibi, identified the dead body as that of her husband, Abu Tayeb Sheikh, and disclosed that two days back the petitioner



had taken her husband to a liquor shop for drinking liquor and he had not returned. She had been making search for him and then came to know that her husband had died. While alleging that the petitioner had committed murder of her husband, she prayed for taking action. The motive attributed by her was that the wife of the petitioner had left him and her husband had intervened to patch up the matter. The statement of one Mohit was also recorded, wherein he disclosed that on the fateful night, he had seen the petitioner arguing with the victim at the back side of the labour shed and had also seen the petitioner hitting the head of the victim with a stone. He disclosed that when he had tried to protect the victim, the petitioner had threatened him and out of fear, he did not disclose this fact to anyone. The petitioner was arrested on 19.03.2021. Investigation has now completed and he is facing trial for commission of aforementioned offence.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. He is in custody since long. The wife of the victim was not an eye-witness of the occurrence. The only alleged eye-witness PW-4 Mohit has not implicated him in the subject crime and has turned hostile. There is no evidence to connect him with the murder of the victim. His further incarceration would not serve any useful purpose. He has a permanent abode. There are no chances of his absconding. He is ready to abide by terms and conditions of bail to be imposed upon him. It is, therefore, urged that he deserves to be released on bail.

4 Status report has been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations as levelled against



the petitioner, he does not deserve to be released on bail. Therefore, it is urged that the petition does not deserve to be allowed.

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

6. The petitioner is alleged to have committed the murder of the victim on the night of 18.03.2021. As per the allegations, the incident had been witnessed by Mohit. The said witness has been examined as PW-4 before the learned trial Court and copy of his statement has been kept on record as Annexure P-2. A perusal of the same reveals that, during cross-examination, he did not support the prosecution version and denied that he had seen the petitioner assaulting the victim or had disclosed that fact to the police. He was declared hostile and was even cross-examined in detail by public prosecutor, but nothing is extracted from his testimony to connect the petitioner with the subject crime. Learned counsel for the petitioner has submitted that, in view of the hostile testimony of this witness, the petitioner deserves to be released on bail. However, this Court is of the considered opinion that only because of the fact that PW-4 did not support the prosecution version, the petitioner does not become entitled to be released on bail. The wife of the victim had also levelled specific allegations that, on the fateful night, it was the petitioner who had taken her husband along with him to take liquor, and thereafter, his dead body was found. The testimony of the complainant and other circumstantial evidence is yet to be produced during trial, and it is only after thorough assessment of the evidence so produced that any definite conclusion can be drawn. Allegations against the petitioner are serious in nature. Mere extended period of incarceration is not



sufficient to extend benefit of bail to him. Keeping in view the gravity of the 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. Accordingly, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

12th August, 2025

Parveen Sharma

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

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