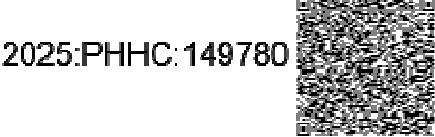


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: October 31, 2025

Baljeet Singh alias Ballu
....Petitioner
Versus
State of Punjab
....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL
Present:- Mr. Baljinder Singh, Advocate for the petitioner.
Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

Present third petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to the petitioner in case bearing FIR No.113 dated 02.10.2018, registered for the offences punishable under Sections 302, 201, 34, 397 & 411 of the Indian Penal Code, 1860 (for short ‘IPC’) and Sections 25/ 54/ 59 of the Arms Act, 1959 (for short ‘Arms Act’), at Police Station Khanauri, District Sangrur.

2. The gravamen of the allegations against the petitioner is that on 02.10.2018, Krishan Singh, Ex-Sarpanch of village Khanauri, District Sangrur, discovered the dead body of an unidentified person near the Ghaggar Bridge, Khanauri. The body was wrapped in clothes and appeared to have been discarded by unknown individuals with the intent to conceal or dispose of it. The police were informed, and an FIR was registered against unknown persons. During the course of investigation, Balwant Singh @ Banta made a statement

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to the police, stating that he was employed as a conductor on truck bearing registration number PB-5Q-9829. He identified the deceased as Paramjit Singh, who had been the driver of the said truck. Balwant Singh @ Banta disclosed that on 29.09.2018, both he and the deceased had loaded iron ore from Jharkhand for delivery at Mandi Gobindgarh, Punjab, and had successfully unloaded the consignment there. On the same day, four persons approached them on a motorcycle, claiming to be commission agents (brokers). They offered to arrange another load from Koop Kalan, District Sangrur, in exchange for a commission. The deceased, Paramjit Singh, agreed to the proposal. The four individuals introduced themselves as Harpinder Singh @ Bhindu, Sarabjit Singh @ Sahib Singh, Mandeep Singh @ Jatinder Singh, and Baljit Singh @ Ballu (*petitioner herein*), and they exchanged mobile numbers with the deceased. Balwant Singh @ Banta further stated that after this discussion, he returned to his home in Mandi Gobindgarh, while Paramjit Singh proceeded with plans to get the truck loaded from Koop Kalan through the aforesaid brokers. The deceased had also informed him that after completing the loading and unloading work at Amritsar, he would pick him (Balwant Singh @ Banta) up from his residence. However, Paramjit Singh never returned, and despite waiting for him, Balwant Singh @ Banta received no communication. Later, he came to know that some unknown persons had robbed the truck and murdered Paramjit Singh near village Khanauri. Based on these circumstances, he expressed suspicion that the petitioner, Baljit Singh @ Ballu, along with the other three named individuals, were involved in the murder of Paramjit Singh.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 07.09.2022. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the case in hand is primarily of circumstantial evidence.

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Learned counsel has further argued that co-accused, who had faced the trial, have since been acquitted vide judgment dated 15.11.2022 passed by the concerned Sessions Court and the petitioner (*herein*) is on same footing as the said co-accused. Learned counsel has further argued that the petitioner has suffered incarceration for more than 03 years. Thus, regular bail is prayed for.

4. Learned State counsel has filed the custody certificate dated 30.10.2025 as also short reply by way of an affidavit dated 30.10.2025 of Gurinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Moonak, District Sangrur in the Court today, which are taken on record. Learned State counsel, while raising submissions in tandem with the said short reply, has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 07.09.2022 and is in continuous custody since then. The investigation was carried out *qua* him and challan has been presented on 25.11.2022. Out of total 37 cited prosecution witnesses, none has been examined till date. It is thus, indubitable that conclusion of the trial will take long. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

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6.1. Indubitably, the present petition is the third attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was decided on 03.11.2023 passed in **CRM-M-46633-2023**, which reads thus:

“By way of this petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.113 dated 02.10.2018, under Sections 302, 201, 34, 397, 411 of IPC and Section 25 of the Arms Act, 1959, registered at Police Station Khanauri, District Sangrur. This is the second petition. The earlier petition bearing No.CRM-M-10359-2023 (O&M) was dismissed as withdrawn vide order dated 19.05.2023 (Annexure P-6).

2. Status report by way of affidavit of Shri Parminder Singh, Deputy Superintendent of Police, Sub-Division Moonak, District Sangrur, along with custody certificate has been filed by the respondent-State.

3. As per prosecution allegations, as revealed from the status report filed by the respondent-State, on 02.10.2018 Krishan Singh, Ex. Sarpanch of village Khanauri, District Sangrur spotted dead body of an unknown person near Ghaggar bridge, Khanauri, tied in clothes, which appeared to have been thrown by some unknown persons with the intention to dispose of the body. Police was informed. FIR was registered against unknown persons. During investigation, Balwant Singh @ Banta got recorded his statement as per which, he was conductor of truck bearing registration No. PB-5Q-9829. He identified the dead body to be of one Paramjit Singh, who was the driver on the aforesaid truck. It was disclosed by him that he along with deceased Paramjit Singh had loaded iron ore from Jharkhand for Mandi Gobindgarh, Punjab on 29.09.2018 and had unloaded the truck at Mandi Gobindgarh. On that day, four persons came on a motorcycle, disclosing that they were brokers and that they will get the truck loaded from Koop Kalan, District Sangrur in lieu of commission. Driver Paramjit Singh (deceased) consented to them for the same. Those four persons revealed their identities as Harpinder Singh @ Bhindu, Sarabjit Singh @ Sahib Singh, Mandeep Singh @ Jatinder Singh and Baljit Singh @ Ballu (petitioner) and also exchanged their mobile numbers. It was further disclosed by Balwant Singh @ Banta that after this conversation, he left for Mandi Gobindgarh for his house; whereas Paramjit Singh told him that he will get the truck loaded from Koop Kalan through the aforesaid brokers and will unload the same at Amritsar and will take him (Balwant Singh @ Banta) from his house. Balwant Singh @ Banta told further that later on, he kept on waiting for Paramjit Singh, but he did not come. He later on came to know that some unknown persons had committed robbery of the truck from Paramjit Singh and had killed him near village Khanauri. He suspected petitioner and three others to be involved in the murder of Paramjit Singh.

4. On the basis of aforesaid statement, petitioner and three others, i.e., Harpinder Singh @ Bhindu, Sarabjit Singh @ Sahib Singh, Mandeep Singh @ Jatinder Singh were nominated on 04.11.2018 and they were identified to be the same persons, who had approached Balwant Singh @ Banta and deceased Paramjit Singh as brokers. The statements of three of them was recorded. As per their disclosure statements, on the intervening night of 01/02.10.2018, they along with petitioner Baljit Singh @ Ballu had murdered Paramjit Singh by firing bullet upon him and had snatched his 18 tyres trolly/truck bearing registration No. PB-05Q-9829 and had further sold the same to one Hanuman Singh S/o Gokal Ram of Narnaul, who runs a truck body repair shop at Narnaul. The said truck/ trolly was recovered from Hanuman Singh under Section 27 of the Evidence Act and he was nominated as an accused and arrested on 14.11.2018. Said

Hanuman Singh suffered disclosure statement, as per which petitioner had brought the aforesaid truck/trolla to his workshop on 03.10.2018.

5. After concluding the investigation, Harpinder Singh @ Bhindu, Sarabjit Singh @ Sahib Singh, Mandeep Singh @ Jatinder Singh and Hanuman Singh were challaned. They were tried by the Court, but were acquitted of the charges vide judgment dated 15.11.2022. Petitioner in the meantime was declared proclaimed offender on 19.10.2019, as he was evading his arrest. He was arrested on 07.09.2022 and was identified by Balwant Singh @ Banta as fourth person, who was accompanying Harpinder Singh @ Bhindu, Sarabjit Singh @ Sahib Singh and Mandeep Singh @ Jatinder Singh as brokers. After completion of investigation qua the petitioner, supplementary challan under Section 173(8) Cr.P.C. was presented on 25.11.2022. Charges were framed on 28.07.2023 and now the case is fixed for 03.11.2023 for prosecution evidence.

6. It is contended by learned counsel for the petitioner that entire case of the prosecution is based upon circumstantial evidence; that no overt act is attributed to the petitioner; that co-accused have already been acquitted by the Trial Court vide judgment dated 15.11.2022 (Annexure P-4); that petitioner was not aware about the present FIR registered against him and having been declared proclaimed offender on 19.10.2019. It is only on his arrest on 07.09.2022 that he came to know about his false implication in this case. Still further, it is contended that there is no evidence to connect the petitioner with the crime, inasmuch as no call details records have been collected to connect the petitioner with the deceased or with the present occurrence. Learned counsel has also drawn attention towards certain observations made in the judgment dated 15.11.2022 (Annexure P-4) qua co-accused, so as to contend that despite number of toll plazas existing on the way from Mandi Gobindgarh to Amritsar and from Amritsar to Koop Kalan having CCTV cameras installed, no CCTV footage was taken into possession. Learned counsel contends further that no recovery is to be effected from the petitioner, who is in custody ever since 07.09.2022 and that trial may take time to conclude. So, in all these circumstances, petitioner be allowed concession of regular bail.

7. Strongly opposing the bail petition, learned State counsel submits that petitioner has been duly identified to be one of the persons with whom the deceased was last seen. Learned State counsel submits that petitioner cannot take any benefit of the observations made by the Trial Court during trial of co-accused. Still further, it is contended that petitioner evaded arrest for a long period of more than three years and had to be declared proclaimed offender on 19.10.2019 and then arrested on 07.09.2022 and in case, he is granted the benefit of bail, trial may never come to conclusion. By pointing out towards the gravity of the offence, prayer is made for rejecting the bail petition.

8. I have considered submissions of both the sides and have perused the record carefully.

9. Petitioner is specifically named to be one of the persons, who was last seen with the deceased. The case is of course dependent upon circumstantial evidence. Petitioner evaded arrest for long time and was declared proclaimed offender. He cannot be allowed at this stage the benefit of observations made by the Trial Court in the judgment of acquittal qua co-accused.

10. Having regard to all the facts and circumstances of the case as have been discussed above and the gravity of the offence, but without commenting anything on the merits of the case, this Court does not find it a fit case for granting the relief of regular bail. As such, present petition is dismissed.”

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Keeping in view the extended custody of the petitioner for more than 11 months and pace of the trial—there being no substantial progress in the trial, this Court is inclined to affirmatively consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in *CRA-S-2332-2023* titled as *Rafiq Khan versus State of Haryana and another*, relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

6.2. As per custody certificate dated 30.10.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 years, 01 month and 18 days. Further, as per the said custody certificate the petitioner is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the

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petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

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9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of
opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous
application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

October 31, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No