

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10323-2025 (O&M)
Reserved on: 20.03.2025
Date of Pronouncement: 27.03.2025

Prince
State of Punjab
.....Petitioner(s)
Versus
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sumit Dua, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
224	30.08.2024	City Kapurthala, District Kapurthala.	105, 190, 191(3) BNS and Section 103(2) & 61(2) BNS (added later on) and Section 105 BNS (deleted later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. As per paragraph 15 of the bail application, the accused has declared his criminal antecedents as follows:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	200	2018	--	City Kapurthala, Kapurthala.
2.	77	2023	--	
3.	70	2023	--	Crime Branch, Indore.

3. The facts of the case are being taken from the reply dated 15.3.2025 filed by the concerned DySP, which reads as follows:
- 2) That present FIR No.224 dated 30.08.2024 U/s 105,190,191(3) BNS (added later on section 103(2) & 61(2) of BNS) and (section 105 added later on) was registered at PS City Kapurthala against petitioner and co accused Megha Sidhu, Avinash, Rajinder Kaur, Pawan Kumar, Sunny Kumar on the statement of complainant wherein she stated that she has two sons namely Sukhman aged

- about 19 years and younger Harman aged about 17/18 years. She is working as maid in houses of the people.
- 3) That the complainant has further stated that about one and half month ago, she was doing the work of cleanliness in the house of Vipin resident of Ajit Nagar, Kapurthala and they had levelled a false allegation regarding theft of Rs.11000/- against her and gave beatings to her. The matter was compromised and her brother namely Malkitpal @Palo put the money in front of holy darbar made in the house of Vipin and Vipin and his family accepted the same.
 - 4) That the complainant has further state d that on 16.08.2024 she left the work in the house of Vipin. But she kept on working as maid in two other houses in the neighbour of Vipin, due to which they started nourishing grudge against her.
 - 5) That the complainant has further stated that on 21.08.2024 at about 5:15 pm after completing her work in the Kothi/house in front of the house of Vipin when she was about to leave alongwith her son Harman, then Vipin her wife Megha and mother of Megha namely Rajinder Kaur starting taunting them for committing theft in their house. Harman opposed their such act upon which they manhandled Harman. Vipin gave beatings to her son Harman with danda. In the meantime, 10/15 unknown persons armed with weapons came from the house of Vipin. Harman escaped himself and ran away from the spot. But all the aforesaid persons chased her son Harman and gave internal injuries on his neck, nose and other parts of the body. Harman fell unconscious.
 - 6) That the complainant has further stated that on hearing the noises. Jagdeep Singh @ Jaggi alongwith other came at the spot, upon which the assailants fled away from the spot while hurling threatening to life of Harman if the matter is reported to the police. Due to fear, she took her son Harman to her house, but seeing his deteriorating condition she alongwith Raj took him to Civil Hospital, Kapurthala but she could not disclose the doctor about the injuries being received in a quarrel. The doctor did not conduct medico legal examination of her son. Vipin and his party gave her financial help during the treatment of her son Harman. Due to deteriorated condition of her son Harman, on 22.08.2024, the doctor referred her son to Sri Guru Nanak Dev Hospital, Amritsar where he succumbed to injuries on -29.08.2024 at about 9.00 a.m. as such she requested to take legal action against the accused.
 - 7) That on the basis of supplementary statement of complainant Lala, Simu, Bhishan, accused Surash, Lali Kashi, Avinash, Jinder, Azad, Raja, Manga, Amit, Sunny, Rishi were nominated as accused in present FIR and during the course of investigation, vide DDR No.36 dated 02.09.2024, the offence under section 103(2),61(2) of BNS was added after reducing the offence under section 105 of BNS.
 - 8) That accused Jinder, Bhishan and Surash were declared innocent lateron during investigation.
 - 9) That post-mortem of deceased was got conducted on 02-09-2024 at Civil Hospital Kapurthala vide PMR No.BD/S/KPT/AK/TA/2024/CH/KPT and Viscera of deceased was sent to FSL vide Road No.508/21/24.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to

the petitioner and their family. He has raised arguments to the effect that the petitioner was not named in the FIR; the petitioner had neither any concern with the incident nor any injury is attributed to him; the co-accused Pawan Kumar has already been declared innocent; The FIR was lodged after a delay of 9 days which gave time to deliberate; initially, the deceased was admitted in Civil Hospital on 21.8.2024 but no MLR was conducted; the custodial interrogation of the petitioner is not required, because nothing is to be recovered and petitioner is entitled to bail on parity with co-accused Rajinder Kumar and Megha Sidhu.

5. The State's counsel opposes bail and refers to the reply. He further submits that the co-accused has nothing to do with the petitioner, because they were women and the FIR does not specifically mention that the persons who were chasing the victim included women and as such, the petitioner cannot claim parity with them. He also submitted that although the petitioner was not named but he was one of the persons who had chased the deceased and gave beatings with the common object and as such, he is liable for being charged with murder.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

14) That on 10-03-2025 complainant produced CCTV footage of occurrence and has identified the petitioner wearing red Lower holding Danda in his hands is standing alongwith other co-accused when the accused attacked the deceased and it is evident that petitioner has connived with other co-accused in committing murder of deceased. It is pertinent to mention here that supplementary statement of complainant was also recorded and thereafter petitioner has been nominated in the present case vide DDR No 24 dated 10.03.2025 and pendrive of CCTV footage was seized vide separate recovery memo. Copy of Pandrive of CCTV footage is annexed herewith as Annexure R-2.

15) That on last date of hearing this Hon'ble Court was pleased to direct answering respondent to file status report with respect to following facts :-

- A. Medico-Legal Certificate/PMR of the victim (s). Copy of Post Mortem Report is annexed herewith as Annexure R-1.
- B. Weapon(s) used.
Dattar.
Sariya
Danda
- C. Weapon and injuries attributed to the Petitioner: It is pertinent to mention here that from the CCTV footage produced by complainant petitioner has been identified wearing red lower and holding Danda as such his custodial interrogation is necessary to recover Danda, hence from the CCTV footage it is evident that petitioner has accompanied with other accused in committing occurrence of present case thus present petition is liable to be dismissed.

- D. The evidence based on which the petitioner was arraigned as an accused:

It is pertinent to mention here that CCTV footage produced by complainant identifying the petitioner wearing red lower and screenshot of occurrence and original photograph of petitioner clearly depicts that petitioner was very much present with other accomplices at the time of murder of deceased hence petitioner was rightly nominated in present case thus present petition is liable to be dismissed. Copy of Screenshot of occurrence and original photograph of petitioner is annexed herewith as Annexure R-3 and R-4.

- E. The evidence against the petitioner:-

It is pertinent to mention here that there is ample evidence against petitioner as CCTV footage of occurrence in Pendrive produced by complainant showing presence of petitioner in occurrence, supplementary statement of complainant, screenshot of occurrence showing petitioner present at the time of occurrence and original photograph of petitioner thus petitioner is not entitled for extra ordinary relief of anticipatory bail as such present petition is liable to be dismissed.

- F. The role of the petitioner:

It is pertinent to mention here that that on the basis of CCTV footage produced by complainant it is evident that petitioner has accompanied with other accused in committing occurrence of present case thus present petition is liable to be dismissed.”

REASONING:

7. A perusal of the bail petition and the documents attached *prima facie* points out that the petitioner was found present at the spot and the allegations that a group of people had chased the deceased and inflicted injuries. The petition does not refer to any other ground to contradict the stand taken by the investigator in the reply. Any further discussions will likely prejudice the petitioner; this court refrains from doing so. Thus, it is not a case for bail.

8. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

9. **Petition dismissed.** All pending applications, if any, are disposed of.

27.03.2025

AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO