



CRM-M-14201-2025 (O&amp;M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

138/208

CRM-44475-2025 in/and  
CRM-M-14201-2025 (O&M)

Date of decision: 11.11.2025

Amir @ Kalu

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. M.S. Walia, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

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**SUMEET GOEL, J. (Oral)****CRM-44475-2025**

Present application has been filed for placing on record the statements of PWs Sarwan, Satinder Singh and Ankush Kumar.

For the reasons stated the application, the same is allowed. The statements are taken on record as Annexures P-3 to P-5. Registry to page-mark the paper-book accordingly.

**CRM-M-14201-2025**

1. Present petition has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita seeking grant of regular bail to the petitioner in case bearing FIR No.0003 dated 08.01.2024, registered for the offences punishable under Sections 302, 201, 120-B, 148, 149 of IPC at Police Station GRP Sirhind.

2. The gravamen of the FIR in question pertains to an incident occurred on 08.01.2024 whereby the police had received an information

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bodies were found between railway kilometgers 12/16-15 and 12/16-13/01 on the SAS Nagar – Kharar railway track adjoining the road adjoining the railway track under suspicious circumstances. On reaching the spot, the police observed both bodies bore multiple sharp edged weapon injuries including deep cuts on the head, neck, chest and abdomen indicating homicidal deaths. Both bodies appeared to have been killed elsewhere and later placed on the railway track likely to destroy evidence. The victims were unidentified males aged approximately 25-30 years with distinct tattoos and physical features noted for identification. Bloodstains extended to the nearby road and tyre marks of a vehicle were found at the scene suggesting that the bodies were transported and dumped at the railway track. The police concluded that unknown persons murdered both the victims with sharp edged weapons and placed the bodies on the track to mislead or conceal the crime. Accordingly, a case was registered under Sections 302, 201 and 34 of the IPC. During the course of investigation, the deceased persons were identified as Manish and Raj Kamal, both residents of Uttar Pradesh and were residing at village Jagatpura, Police Station Sohana, District SAS Nagar. Thereafter, on 12.01.2024 one Ankush Kumar appeared before the police and got his statement recorded under Section 161 of Cr.P.C. and on the basis of statement of the said witness it would found that the murder of deceased persons had been committed by petitioner Amir @ Kaku, Akshay, Sahil and 2-3 other unknown persons.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated into the present FIR.

Learned counsel has further iterated that the petitioner has no role



whatsoever in the alleged crime and the prosecution has failed to produce any cogent or reliable evidence to establish the involvement of the petitioner. According to learned counsel, there is no direct or ocular evidence connecting the petitioner with the alleged offence. No witness has identified the petitioner at or near the place of occurrence nor has any material been recovered at his instance which could *prima facie* implicate the petitioner in the commission of the crime. Furthermore, the investigating agency has not conducted any test identification parade vis-a-viz the alleged incident and in the absence of such identification, the alleged participation of the petitioner remains unsubstantiated. Learned counsel has further submitted that the prosecution has failed to attribute any specific motive to the petitioner for committing the alleged offence. Learned counsel has further submitted that the petitioner has been in custody since 29.01.2024; the challan in the case was presented on 12.04.2024 and charged were framed on 27.11.2024. Out of 37 prosecution witnesses not a single prosecution witness has been examined till date. Learned counsel has canvassed that since the trial is like to take considerable time, the continued incarceration of the petitioner serves no fruitful purpose, especially when further custodial interrogation is not required. On the basis of aforesaid submissions, the grant of instant petition is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the allegations raised against the petitioner are serious in nature. Learned State counsel has referred to status report dated 02.04.2025 by way of affidavit of Jagmohan Singh, PPS,



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Deputy Superintendent of Police, Sub-Division GRP Patiala, District Patiala, relevant whereof reads as under:

*“20. That, during the investigation, it has been found that petitioner Amir @ Kaku is the main accused who played a central role in the brutal murder of manish and Raj kamal @ Churwa. In pursuance of a pre-planned conspiracy and with a clear motive of revenge, the petitioner, alongwith his co-accused Sukhdev Kumar @ Rahul, Akshay, Sahil and Shivam @ Shiva (juvenile), invited both deceased to his rented room at village Jagatpura on the night of 07/08-01-2024 under the guise of a party. The motive behind the murders was a prior enmity, as both deceased had earlier attacked the associates of the petitioner, namely Akshay and Sahil regarding which FIR No.488 dated 10-12-2023 U/s which FIR no.488 dated 10-12-2023 U/s 341, 506, 324, 148, 149 IPC, P.S was registered. After intoxicating the deceased with alcohol, the petitioner stabbed them with a kirch while his co-accused assaulted them using knives and a chhura.*

*That, after committing the murder, the petitioner and his co-accused loaded the dead bodies into a Bolero pickup vehicle and dumped them near the railway tracks at Village Chilla with the intention of destroying evidence and to create a false impression of a railway accident. The petitioner's involvement is corroborated by the statements of eyewitnesses and other witnesses including Ankush Kumar, Sarwan and Sandeep Kumar, all of whom narrated the sequence of events linking the petitioner directly with the commission of the offence.*

*That, further, on 23-09-2024, the FSL report received from the office of Director, FSL, SAS Nagar confirmed that the bloodstained glass piece and heater recovered from the rented room of the petitioner matched the DNA STR profile of deceased Manish. Likewise, the bloodstained soil, recovered hair, and blood on the belongings of deceased Raj Kamal matched with his DNA STR profile. Significantly, the kirch recovered on the basis of the petitioner's disclosure was found to bear mixed DNA STR profiles of both deceased, thereby scientifically establishing the petitioner's role in the crime. The FSL results were duly enclosed with the challan, and a facts-finding report under Section 173(8) CrPC was filed on 10-10-2024 against the juvenile accused Shivam @ Shiva.”*



Furthermore, learned State counsel has raised submission in tandem with the aforesaid reply and has iterated that the petitioner was specifically named in the FIR and is alleged to have played an active role in the brutal double murder of deceased manish and Raj Kamal @ Churwa. According to learned State counsel, the FIR is not a result of bias or fabrication, as alleged by the petitioner, but is duly corroborated by the sequence of events recorded during investigation. It has been further submitted that the investigation was carried out in accordance with law and no material has been produced by the petitioner to demonstrate any *mala fides* or manipulation by the investigating agency. Learned State counsel has further submitted that the gravity of the offence, being a heinous double murder committed with deadly weapons, itself disentitles the petitioner from the concession of bail. Learned State counsel has submitted that the grant of bail, at this stage, would embolden the petitioner to influence or intimidate the remaining witnesses and tamper with the evidence. In view of the nature of the allegations, the gravity of the offence and the stage of trial learned State counsel prays for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence and the severity of



the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

14. *It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528*** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the*



*case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram GovindUpadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 andPuran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.**"*

*This Court also in specific terms held that :*

*"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."*

*In **Panchanan Mishra v. Digambar Mishra, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143**, this Court observed :*

*"The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the*



*prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation."*

7. The petitioner is accused of committing a capital offence and is facing trial therein. The instant case pertains to a heinous double murder wherein two persons namely Manish and Raj Kamal @ Churwa and their bodies were subsequently placed on the railway track to cause disappearance of evidence. The petitioner is alleged to be part of the group that committed the crime and later disposed of the bodies. The recovery of the *kirch* pursuant to the disclosure of the petitioner coupled with witness statements attributing overt acts constitutes *prima facie* evidence of his involvement. The investigation has collected forensic and circumstantial evidence which, at this stage, cannot be disbelieved.

8. The allegations leveled against the petitioner are grave and specific which clearly indicate his active participation in the commission of the crime. In the considered opinion of this Court the very magnitude and seriousness of the crime, disentitle the petitioner to the discretionary relief of bail. Moreover, the offence alleged is serious in nature punishable with death or life imprisonment and involves double murder. The gravity of the offence and the manner in which it has been committed are relevant considerations while exercising discretion under Section 483 of BNSS. In the considered opinion of this Court, at this stage, no accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of





only undermine the gravity of the offence but may also embolden the accused. Further, there exists a strong likelihood that if enlarged on bail the petitioner may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses particularly when several material witnesses are yet to be examined. The mere fact of prolonged custody cannot, in itself, constitute a ground for bail in cases of such grave and heinous character.

9. In view of the seriousness of the allegations coupled with the nature of evidence, this Court is of the considered opinion that the petitioner is not entitled to the concession of regular bail. Accordingly, the petition is devoid of merits and is hereby dismissed.

10. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

11. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)  
JUDGE

November 11, 2025  
*Ajay*

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