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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.15457 of 2025
Date of Decision: 27.05.2025

Harjeet Singh alias Enki ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arshpreet Khadial, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0078	08.07.2024	Maur, District Bathinda	103, 3(5), 304 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Sukhpal Singh on 08.07.2024 alleging therein that he was a driver by profession. On 07.07.2024, he

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was present in the truck union. On hearing some noises, he came outside and found three youths while assaulting his younger brother Jaspal Singh @ Athani. They were inflicting injuries on his person with gandasas while he was lying on the ground. The complainant identified them as Harpeet Singh, Jaspreet Singh and Gurdeep Singh. He rushed for rescue of his brother and then the assailants fled away. The injured was rushed to the hospital but he succumbed to the injuries and was declared to be brought dead.

3. After registration of FIR, investigation proceedings were initiated. Postmortem examination of dead body of the victim was conducted. Subsequently, the complainant recorded supplementary statement on the basis of which offence under Section 304 of BNS was added and the petitioner was nominated as an accused on the allegations that he had assisted the co-accused in fleeing from the spot in a car belonging to him. The petitioner was arrested and is in custody since 14.07.2024. The car used in the crime was recovered at his instance. The co-accused were also arrested. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The supplementary statement of the complainant was recorded five days after the incident. The statements of witnesses examined by the prosecution with regard to the colour of the car in which the co-accused were taken are contradictory and it is debatable as to which car was used by the assailants. The petitioner is not the registered owner of the car which is alleged to have been recovered from him. He is in

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custody since long. The trial is likely to take considerable time to conclude. No specific overt act leading to murder of the victim has been attributed to him. He has clean antecedents. The ingredients for commission of offence under Section 103 of BNS are not attracted against him at all. Therefore, it is urged that he deserves to be released on bail.

5. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that the petitioner played an active role in the crime as he assisted the escape of the co-accused who had assaulted the victim and had extended fatal injuries, by making them flee from the spot in a car belonging to him and also facilitated him by staying near the place of occurrence in his vehicle. This car was purchased by him on the basis of an affidavit from the registered owner. The allegations against him are serious in nature. As such, it is urged that the petitioner does not deserve to be given concession of bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused. In pursuance of the said conspiracy, he is alleged to have accompanied the co-accused and while remaining present in his car and keeping its ignition on, he facilitated the other co-accused to flee from the spot after assaulting the victim. In this manner, he is also alleged to have facilitated causing disappearance of offence of murder by the co-accused. There are specific allegations against him which are grave in nature. The trial has commenced and there is nothing on record to show that there would

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be any undue delay in conclusion thereof. Keeping in view the nature of the allegations, severity of the punishment to be awarded and the attendant facts and circumstances, this Court is of the opinion that the petitioner does not deserve to be extended benefit of bail. Accordingly, the petition is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. This order shall come into force from the time it is uploaded on this Court’s official webpage.

27.05.2025
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(MANISHA BATRA)
JUDGE

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