



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

CRM-M-16215-2025
Reserved on: 20th May, 2025
Pronounced on: 23rd May, 2025

Tara Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Ghumman, 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. 18 dated 25.01.2024 registered under Section 324 of IPC (Section 302 of IPC added later on) at Police Station City Phagwara.

2. The aforementioned FIR was registered on the basis of statement of the complainant Rajwinder Singh, as recorded on 25.01.2024, alleging therein that on the evening of 21.01.2024, he was buying fruits and vegetables in the area of Sarai Road, Phagwara, when the accused Gosha, who was found standing under the bridge of nearby Sugar mill and carrying a handmade iron spear, made an exhortation on seeing him and started walking with fast paces towards him. Thereafter, he opened an attack upon



him with an intention to kill him and struck a blow with a *datar* thereby causing injury to him. He had fallen down due to the impact of injury sustained and thereafter, the assailant had fled away. Initially, a case under Section 324 of IPC was registered on the basis of his statement. Investigation proceedings were initiated. The victim-Rajwinder died four months after the incident, after suffering from infection as a result of injury so sustained. Offence under Section 302 of IPC was added.

3. As per the allegations, after the death of the victim Rajwinder Singh, his sister Parveen Kaur recorded a statement that during the course of treatment of the victim in the hospital, the accused Vijay Kumar had come to the hospital and the victim identified him as one of the persons, who had assaulted him. She also alleged that the death of her brother had taken place due to the injuries sustained by him. The above named Vijay was nominated as an accused and was arrested on 24.04.2024. On interrogation, he suffered disclosure statement to the effect that he along with the petitioner and co-accused Paramvir Singh @ Bakri Singh and Ravi Kumar @ Gulla had hatched a conspiracy with co-accused Roshan Lal @ Gosha and in pursuance thereof, co-accused Paramvir Singh @ Bakri Singh and Ravi Kumar @ Gulla had conducted reiki near the house of the victim. He also disclosed that on the fateful day, the petitioner along with him and accused Roshan Lal had reached at the place where the victim was present and he himself had assaulted the victim with a *datar*, whereas the petitioner and co-accused caused injuries to him with baseball bat. He also disclosed that thereafter, the accused Roshan Lal had driven motor bike and taken them along with him. On his disclosure, the petitioner was nominated as an



accused. He was arrested on 25.04.2024. He too suffered disclosure statement admitting his involvement in causing injuries to the victim. Investigation now stands concluded. The petitioner along with the co-accused is facing trial for commission of offence of murder of the victim.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused Vijay, which cannot be considered to be admissible in evidence. Though the incident was of 21.02.2024, but the victim had died on 24.04.2024 and till that date, no statement whatsoever had been made by the sister of the victim implicating accused Vijay Kumar in the crime, he was neither named in the FIR nor his name was taken by the sister of the victim at the time of recording her statement. His complicity in the crime has not been established at all. There is no eye-witness to the occurrence. The case rests upon circumstantial evidence. There is no circumstance to connect him with the crime. He does not have any criminal antecedents. He is in custody for a period of one year. There are no chances of his absconding or intimidating the witnesses. Trial will take considerable time to conclude. Accordingly, it is urged that the petitioner deserves to be released on bail.

5. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab, that keeping in view the gravity of the allegations, the petitioner does not deserve to be released on bail. Therefore, it is urged that the petition does not deserve to be allowed.

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

7. The petitioner is alleged to have hatched a conspiracy with the



co-accused and in pursuance thereof, victim Rajwinder Singh, was assaulted by them on 21.01.2024. He died on 24.04.2024 due to the impact of the injury as infection had developed in the same. The allegations against him are serious in nature. Considering the nature of the offences, the role played by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

23rd May, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |