

CRM-M-22935-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22935-2025
Reserved on: 03.07.2025
Pronounced on: 31.07.2025

Kamaljit @ Kamal @ Kambu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Charitr Kadiyan, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
126	21.06.2024	Mahilpur, District Hoshiarpur	460, 120 B IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are taken from the reply filed by the State, which reads as follows:

“That it is humbly submitted that FIR No.126 dated 21.06.2024, under Section 302, 460 (Section 120-B added lateron) of Indian Penal Code, was registered at Police Station Mahilpur, District Hoshiarpur, against unknown persons on the statement of complainant Manpreet Singh that on 20.06.2024 at about 03:00 PM, he alongwith his Bua (aunt) Sukhwinder Kaur, her daughter Sapna and granddaughter Angel as well as his second Bua (aunt) Gurdev Kaur and her daughter-in-law Anjali as well as Lovely another daughter of his aunt went to Peer Nigaha (HP). His father Rashpal Singh was alone at home. On 21.06.2024 at 9.00 AM, he received phone call from his neighbour Preeti that door of his house as well as the rooms are lying open, house hold articles are lying scattered and his father is not responding to the calls given by her. Then they all

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immediately came back from Peer Nigaha (HP) and saw that his father was lying on the bed. His mouth was strangulated with a cloth. His legs were tied with a cloth. There was injury marks on his cheeks. His hands were tied with clothe. His father was dead. House hold articles were lying scattered. Some unidentified person had entered his house on the night of 20/21.06.2024 with intent to commit theft and committed murder of his father and their house hold articles have been stolen.”

4. Petitioner’s counsel seeks bail on the following grounds:-

i) that the evidence of extra judicial confession is doubtful and was never made.

ii) even if petitioner had confessed before one Jaspreet Singh on 22.06.2024 and the silence of said Jaspreet Singh for four days would point out towards tampering, manipulation and deliberations.

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

6. The State’s counsel opposes bail and refers to the reply.

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

“ Role of the petitioner

14. That it is submitted that the offence of theft and murder of Rashpal Singh was committed by some unknown person during the night of 20/21.06.2024, when all the family members were away to Peer Nigaha (HP) and he was alone at the house. On the basis of supplementary statement of the complainant made on 26.06.2024, the petitioner-Kamaljit @ Kamal @ Kambu was nominated in this case. The petitioner was arrested on 26.06.2024 and on the basis of his disclosure statement made on 27.06.2024, stolen currency notes of Rs.7,90,000/-were recovered from the possession of the petitioner. The petitioner-Kamaljit @ Kamal @ Kambu further made disclosure statement on 29.06.2024 to the effect that he was instigated by the co-accused Lovely @ Lovepreet to commit theft in the house of Rashpal Singh and in conspiracy with her, he has committed this offence as he was in touch with her through mobile phone of his wife. The co-accused Lovely @ Lovepreet was nominated as accused with the aid of Section 120-B of Indian Penal Code. The allegations against the petitioner are very grave in nature. It is therefore prayed that the present petition may kindly be dismissed.

***WEAPON AND INJURIES ATTRIBUTED TO THE PETITIONER
EVIDENCE COLLECTED AGAINST THE PETITIONER:***

15. That it is submitted that during the investigation, on 29.06.2024, the petitioner suffered disclosure statement that he had committed this offence at the asking of co-accused Lovely @ Lovepreet who is his sister as she asked him to snatch the currency notes from the house of the complainant.

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On 20.06.2024, he went there to snatch the amount. But his uncle Rashpal Singh woke-up and saw him. Then he killed Rashpal Singh by choking him with cloth and tying vest on his mouth and tying his hands and feet with cloth. There is supplementary statement of the complainant and confessional statements of the petitioner against the petitioners.”

REASONING:

8. As per the post mortem report, victim had died due to asphyxia.
9. It would be appropriate to refer to following portion of the reply, which reads as follows:-

“THE EVIDENCE BASED ON WHICH THE PETITIONER WAS ARRAIGNED AS AN ACCUSED

8. That it is submitted that during the investigation, the supplementary statement of the complainant was recorded on 26.06.2024 to the effect that during the occurrence, a kit bag of her aunt Sukhwinder Kaur containing currency notes of Rs.07-08 Lakhs has been stolen. After cremation of his father on 22.06.2024, due to suspicious behaviour of Kamaliit alias Kamal alias Kambu son of his aunt, inquiry was made Coth him, he confessed his guilt and thereafter, ran away from home. He has firm belief that his father has been murdered and theft has been committed by Kamaljit alias Kamal alias Kambu. They had asked him to accompany them to Peer Nigaha on 20.06.2024, but he did not go there on some excuse and has committed the offence. On the basis of this statement, DDR No.28 dated 26.06.2024 was entered and the petitioner-Kamaljit alias Kamal alias Kambu was nominated as accused.

X x x x

10. That it is submitted that during the investigation, on 29.06.2024 the petition again suffered disclosure statement that he had committed this offence at the asking of co-accused Lovely @ Lovepreet who is his sister as she asked him to snatch the currency notes from the house of the complainant. On 20.06.2024, she alongwith others had gone to pay obeisance to Peer Nigaha. At about 04:00/05:00 PM, she talked to him on mobile phone of his wife Anjali and told him that his maternal uncle Rashpal Singh is alone at home. Thereupon, he went there to snatch the amount. But his uncle Rashpal Singh woke-up and saw him. Then he killed Rashpal Singh. That he had committed this offence at the asking of the co-accused Lovely @ Lovepreet, who is his sister. Therefore, co-accused Lovely @ Lovepreet was nominated as accused and offence under Section 120-B of Indian Penal Code was added vide DDR No.13 dated 29.06.2024.

11. That it is submitted that the co-accused Lovely @ Lovepreet was

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granted interim bail vide order dated 04.02.2025 in CRM M No.58829 of 2024 and she was directed to join investigation on 10, 11, 13 and 14 of February 2025 at 10AM and after that as and when called upon to do so by the investigation officer or any Superior Officer and shall cooperated with the investigation at all further stages as required. The co-accused Lovely @ Lovepreet only joined investigation on 13.02.2025 and she did not join investigation on 10, 11 and 14 February 2025 as per directions of this Hon'ble Court. On 13.02.2025, the co-accused Lovely @ Lovepreet made confession and she corroborated the version of confession of the petitioner- Kamaljit @ Kamal @ Kambu that the petitioner-Kamaljit @ Kamal @ Kambu committed the offences of the present case at her asking."

10. Perusal of the above clearly point out that there is sufficient prima facie evidence connecting the petitioner with crime and this is a serious offence.

11. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

12. The petitioner's custody of around 01 year & 01 month, as per custody certificated dated 02.07.2025, cannot be termed prolonged, given the minimum sentence prescribed for the offense.

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

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

(ANOOP CHITKARA)
JUDGE

31.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.