

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

230

CRM-M-23221-2025
DATE OF DECISION: 06.05.2025

BALWINDER SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Kamaldeep Kaur, Advocate for the petitioner(s).

Mr. Rajiv Verma, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Prayer

This petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in FIR No. 60 dated 26.05.2021 Under section 302,341,323,427, 148, 149, IPC registered at Police station Bhadson, Patiala District Patiala.

2. Prosecution story set up in the present case as per the version in the FIR reads as under :-

‘Statement of Sukhwinder kaur wife of Baljinder Singh resident of Raimal Majri, Tehsil Nabha District Patiala case against Balwinder Singh son of Gurcharan Singh Masala Soti, Ladi son of Gurcharan Singh, Billuson of Sewa Singh, Khusia, Satnam Singh son of Piti Singh, Piti Singh sonof Chand Singh, Jassi Singh son of Joga Singh, resident of Raimal Majri, registered in police station by Constable Amanpreet Singh 3470/Ptl who is accused is in jail, statement by Sukhwinder Kaur wife of Baljinder Singhvillage Raimal Majri, Tehsil Nabha District Patiala aged



about 40-42 years has stated that I am resident of above said address and do house hold work". My husband is Chowkidar in village, I have four kids two boys and two girls, eldest is Harprit Singh younger is Bhupinder Singh both are working labourer. as On 3.5.2021 my younger son Bhupinder Singh had gone for transportation on his truck from village Sahaiwal to Sabji Mandi Khanna when he returned back to village Flour Mill then time must be Balwinder Singh 9:30PM son of Gurcharan Singh Masala Soti, Ladi son of Gurcharan Singh, Billuson of Sewa Singh, Khusia, Satnam Singh son of Piti Singh, Piti Singh sonof Chand Singh, Jassi Singh son of Singh, resident of Raimal Majri Joga were already standing there, who stopped my son they had sticks and holding pipes then Jassi above mentioned had picked the brick and on the Miror of my vehicle and broken glass hitted son's on the forehead near right eye side of my son, my son informed my husband about this quarrel who went to save my son I was also following him, my son ran on his vehicle in injured condition when we reached on the place of quarrel then infront of me Jassi Singh hitted my husband's leg with stick in his hand, my husband fell down because of this then Laddi Singh hitted on the head of my husband while he was lying and Balwinde Singh Balli hitted on the stomach with his stick remaining accused also started hitting with stick /pipe many people gathered there, I saved my husband by lying on him, otherwise above mentioned people would have killed him, all of them were saying "hit him in away that he is killed' they all attacked my husband with intention to kill him. I was going on feet to Bhadson by giving spot to my husband. Then some body called to ambulance no.108 that reached us then I with the help of Ambulance employee got my husband admitted in Bhadson hospital by Ambulance, where my son Bhupidner Singh had already reached for treatment then Bhadson hospital sent us to Rajindra Hospital then we went to Rajindra Hospital by Ambulance where we did not admitted my husband because of lack of money and we went to our relative of village Jhalan, where because of pain to my husband we admitted him in Civil hospital Patiala where treatment went on and my husband died during



treatment, where doctors told us to take the dead body to Rajindra Hospital for postmortem. Where are relatives took my husband's dead body to Rajindra hospital Patiala, and we returned to our home. Cause of enmity is that my brother in law (Devar) had been in quarrel with my husband because of a plot, you have met me near Flour Mill on the kacha path of village, the appropriate legal action be taken against above mentioned person. I have given statement listen and found it correct. Sukhwinder RTI Kaur. Amrik Singh son of Gurdev Singh Bishanpura PS Bhadson District sd/- Patiala.'

3. Contentions

On behalf of the Petitioner

Counsel for the petitioner contends that the petitioner has been falsely implicated with an ulterior motive by fabricating the entire incident. He further contends that the petitioner is in custody since 26.05.2021 wherein two of the witnesses have turned hostile while the other co-accused has been granted bail.

On behalf of the State

Learned State counsel has provided custody certificate which is taken on record. According to which, he is in custody since 3 years 1 month and 16 days wherein charges stands framed on 17.03.2022 and out of 24 witnesses, four have been examined so far.

At the very outset, he contends that the petitioner was actively involved the commissioning of the offence wherein he alongwith co-accused is attributed to have beaten up the deceased with *sotis* and pipes which caused him serious injuries and was admitted to Mehar Hospital, Patiala where he succumbed to injuries. To support his argument, State counsel has supplied Post Mortem Report of the deceased today in court which is taken on record as Document 'A'



which categorically states the cause of death that “*As per Abdominal Injury described which is ANTEMORTEM in nature and sufficient to cause death in ordinary course of nature*” and on that basis prays for dismissal of the regular bail.

Heard counsels for the parties at length.

4. Analysis

This Court is mindful that, according to the legal mandate rendered by Hon’ble Supreme Court in Criminal Appeal No. 3840 of 2023, titled “***Saumya Churasia versus Directorate of Enforcement, decided on 14.12.2023***”, when considering a bail application, the Court is not obligated to meticulously examine the evidence gathered by the Investigating Agency. However, the Court must consider several factors, including the nature of the accusation, the type of evidence collected in support, the severity of the punishment for the alleged offences, the character of the accused, the unique circumstances surrounding the accused, the likelihood of securing the accused’s presence during trial, the possibility of witness tampering, and the broader interests of the public or State. In the light of these factors, when assessing a bail application, the Court is required to form a prima facie opinion based on these broad guidelines, without delving into the merits of the evidence, as doing so could potentially prejudice the rights of both the accused and the prosecution.

The Apex Court in case “**Gudikanti Narasimhulu vs. Public Prosecutor, High Court of A.P.**”; (1978) 1 SCC 240, has already observed that deprivation of freedom by refusal of bail is not for punitive purposes but for the bifocal interests of justice. It has



further been observed that it is rational to enquire into the antecedents of the man who is applying for bail to find out whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail.

Be that as it may, considering the submission made and the facts of the case, this court by no stretch of imagination is inclined to grant the relief of regular bail to the petitioner wherein it is prima facie evident from the record in hand that the petitioner along with his co-accused has actively participated in the commissioning of an offence by giving beatings to the deceased with sotis and pipes causing injuries which ultimately became a cause of his death as stated clearly in the Post Mortem report.

This court is sanguine of the fact that while the phrase "accused involved in offence of murder must be dealt with iron hands" reflects the need for strict action and deterrence, the Indian legal system balances this with due process and individual justice. It is the duty of the Courts to meticulously examine evidence, witness testimonies, and the circumstances of the crime to determine the degree of culpability while deciding a bail application. Since in the instant case, the petitioner is alleged to have been involved in the commissioning of the offence in question added with the fact that he is custody since 3 years 1 month and 18 days wherein after framing of charges on 17.03.2022, out of 24 witnesses 4 have been examined meaning thereby, during the pendency of the trial, there are chances that the petitioner might flee away or tamper with the evidence.



6. Conclusion

In the light of aforesaid discussion, this court does not find merit therefore the instant petition being devoid of merits, stand dismissed

However, it is made clear that anything stated herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

06.05.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>