



CRM-M-26610-2025

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**253 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-26610-2025

Date of Decision: 20.05.2025

Amanpreet @ Aman

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Surinder Sharma, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.57 dated 21.07.2022 under Section 302/34 IPC registered at Police Station Sadar Phagwara, District Kapurthala.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant Dilbagh Ram. It was alleged by the complainant that Paramjit Kumar @ Pamma was his nephew. On 18.07.2022 at about 09:00 a.m., he met his nephew in the street in front of his house. Then at about 08:30 p.m., he saw his nephew Paramjit Kumar @ Pamma walking towards his home alongwith Amanpreet @ Aman (petitioner). However, thereafter, Paramjit Kumar @ Pamma was not seen. On 21.07.2022, in the afternoon, a stench smell started coming from the house of his nephew Paramjit Kumar @ Pamma. On being suspicion, they broke open the lock of the gate and entered into the house of his nephew and found him lying dead. Blood was spilling over due to the injuries on his head. The complainant was confident that Amanpreet @ Aman murdered his nephew on account of money dispute. Request was made to take legal action



against the culprit. On the registration of the FIR, the investigation commenced. The petitioner was arrested on 22.07.2022. On his disclosure statement, one more co-accused, Gurpreet @ Golu was named in the FIR and thus, two accused were named in the FIR. The petitioner approached the Court of learned Additional Sessions Judge, Kapurthala praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 21.02.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case on the basis of assumptions and presumptions. He submits that the deceased was the nephew of the complainant. The allegations made by the complainant are to the effect that on 18.07.2022, he saw the petitioner in company of the deceased, however, thereafter on 21.07.2022, his dead body was found. It is submitted that there is no evidence to show that in three days what efforts the complainant made to trace out his nephew. He submits that even otherwise on the basis of last seen evidence, the petitioner cannot be held responsible for committing murder of nephew of the complainant. He submits that after arresting the petitioner, on his disclosure statement, recovery of a knife has also been planted upon him. He submits that except these two evidence, there is no plausible evidence available with the prosecution for proving the complicity of the petitioner. He submits that the petitioner has no criminal antecedent. Co-accused in the present case has already been enlarged on bail. He further submits that material witnesses



already stand examined. The petitioner is behind bars since the date of his arrest. It is submitted that in the overall facts and circumstances of the present case, no *prima facie* case has been made out against the petitioner and thus, he deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was seen by the complainant alongwith the deceased on 18.07.2022 and it is thereafter, the deceased was never seen, however, his dead body was found on 21.07.2022. He submits that the petitioner was suspected by the complainant in the FIR itself and thus, on his arrest, he was interrogated. He submits that on the disclosure statement of the petitioner, weapon of offence i.e. knife was also recovered. He submits that the circumstantial evidence produced proved the complicity of the petitioner. On instructions, he submits that out of total 17 prosecution witnesses, only 06 witnesses have been examined so far.

5. After hearing counsel for the parties and perusing the record, it is deciphered that case of the prosecution is based on the circumstantial evidence. The evidence collected by the prosecution are of the last seen evidence and recovery of weapon. Co-accused in the present case already on bail. Out of total 17 prosecution witnesses, 06 witnesses have been examined. As submitted before this Court, the petitioner has no criminal antecedent and he is behind bars since the date of his arrest i.e. 22.07.2022.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from

commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

	(RAJESH BHARDWAJ)	
	JUDGE	
20.05.2025	Whether Speaking/Reasoned :	Yes/No
sharmila	Whether Reportable :	Yes/No