

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:116884



CRM-M-34525-2025 (O&M)

Reserved on:21.08.2025

Date of decision:29.08.2025

Gurpreet Singh @ Dhattu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.S. Swaich, Advocate and
Ms. Ishani Goyal, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

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MANISHA BATRA, J (ORAL)

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No.205 dated 16.10.2023, registered under Sections 364, 365, 302, 201, 34, 148, 149 IPC (Sections 365 and 34 IPC were deleted and Sections 364, 302, 201, 148, 149 IPC were added later on), at Police Station City Rampura, District Bathinda

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant - Gurpreet Kaur alleging therein that on the evening of 10.10.2023, her husband Daljinder Singh had gone to Mandi Rampura for his work and did not return. His phone was also found to be switched off. She had made search for him but could not find him. Suspecting that he had been abducted by somebody, she prayed for taking action. Initially, a case under Section 365 IPC read with Section 34 IPC was

registered. Investigation proceedings were initiated. The decomposed dead body of the victim was recovered and post-mortem examination of the same was conducted on 23.10.2023. Offences under Sections 364, 302, 201, 120-B, 148, 149 IPC were added whereas offence under Section 365 IPC was deleted. FIR was registered against unknown persons. During the course of investigation, Baljinder Singh, brother of the deceased recorded his statement, on the basis of which the petitioner and some other persons were nominated as accused, since it was revealed that he along with the co-accused had abducted the victim, killed him and had caused disappearance of his dead body to destroy the evidence of the offence. The petitioner was arrested on 21.10.2023. Presently, he along with the co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. The material witnesses i.e. the complainant – Gurpreet Kaur and PW1 Baljinder Singh, brother of the deceased have not implicated him in the commission of subject crime. A false recovery is planted upon him. His further incarceration would not serve any useful purpose. He is ready to abide by the terms and conditions for grant of bail to be imposed upon him. It is, therefore, urged that he deserves to be released on bail

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, the petitioner does not deserve to be released on bail

5. I have heard learned counsel for the petitioner as well as learned

State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have hatched a conspiracy and also alleged to have formed membership of an unlawful assembly, in pursuance of which the victim was abducted, killed and his dead body was concealed to cause disappearance of the evidence of offence. The petitioner was not named in the FIR. The material prosecution witnesses i.e. the complainant – Gurpreet Kaur and Baljinder Singh, brother of the deceased have been examined as PW2 and PW1 respectively. Copies of their sworn depositions have been placed on record and revealed that neither of them have implicated the present petitioner in the commission of subject offence. The case is based on circumstantial evidence. No circumstances pointing the involvement of the petitioner in the subject crime is stated to have been collected by the prosecution. Keeping in view the nature of evidence that has come on record in the form of testimonies of the above two material witnesses, period of incarceration of the petitioner and the attendant facts and circumstances, but without meaning to make any comment on the merits of the case lest the same prejudice the trial in any manner, this Court is of the opinion that the petitioner deserves to be extended the benefit of bail at this stage. Accordingly the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

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

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

(MANISHA BATRA)
JUDGE

29.08.2025
harjeet

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