



CRM-M-36641-2025

1

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

217

CRM-M-36641-2025

Date of decision: 02.09.2025

Hansa Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Munish Dev Sharma, Advocate for the petitioner.

Mr. Jaypreet, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita seeking grant of regular bail to the petitioner in case bearing FIR No.217 dated 04.12.2023, registered for the offences punishable under Sections 302 and 34 of IPC at Police Station Nathana, District Bathinda

2. The gravamen of the FIR in question pertains to an incident in which the complainant namely Sandeep Singh, son of Kewal Singh, grandson of Thej Singh, resident of Nand Vihar ke Tibbe, Village Tungwali, presently residing at Adarsh Nagar, Street No. 15/1, Goniana Road, Bathinda. Age: 28 years, Mobile: 97810-66153 alleged that he is serving as a Constable in the District Police, Bathinda (QRT Bathinda). The elder brother of the complainant namely Jagmeet Singh, was also employed in the Police Department at Bathinda and was working in the MT Section. About four years ago, his elder brother Jagmeet Singh was married to Beant Kaur alias Manni, daughter of Gurjant Singh, resident of Dasmesh Nagar,



Tungwali. However, after marriage, her sister-in-law namely Beant Kaur continued to live at her parental home in Tungwali, while the brother of the complainant resided with him in Adarsh Nagar, Bathinda. On the day of the incident, around 7:30 PM, the father of the complainant namely Kewal Singh, his brother namely Jagmeet Singh alongwith the complainant went to their old house in Village Tungwali to clean the premises and water the trees. While the complainant and his father were cleaning, his brother namely Jagmeet Singh informed them that he was taking his car to meet his wife namely Beant Kaur. Thereafter, the brother of the complainant left around 9.00 PM despite complainant's attempt to stop him. Thereafter, the complainant followed his brother on foot through the fields. At around 9:10 PM, in light of the bulb, near the house of Hansa Singh (Bakrian Wale) as also the light of the car of his brother, the complainant saw Balkaran Singh alias Kala (son of Gurjant Singh) armed with a *kasiya*, Kirpal Singh alias Kaka (son of Hansa Singh) armed with an *iron kanga*, and Hansa Singh (petitioner herein) armed with an axe, blocked the car of his brother. When the brother of the complainant namely Jagmeet Singh stepped out of the car to speak to them, accused Balkaran Singh struck on the forehead of the brother of the complainant with the *kasiya*. Thereafter, accused Kirpal Singh hit the head of the brother of the complainant with the *kanga*, causing him to fall to the ground in front of the car. As the complainant raised hue and cry, his sister-in-law namely Beant Kaur came to the place of occurrence. Thereafter, all the three assailants repeatedly struck the brother of the complainant namely Jagmeet Singh on the head, face, and neck. When her sister-in-law namely Beant Kaur tried to shield him with her body, they



assaulted her as well with their weapons. On hearing the cries of the complainant, several villagers gathered and on seeing them, all the accused fled with their weapons. On account of the injuries sustained in the occurrence, the brother and sister-in-law of the complainant had succumbed to their injuries. The complainant alleged that the motive behind this occurrence was that the accused Balkaran Singh, his cousin Kirpal Singh and his uncle Hansa Singh did not want my brother to meet Beant Kaur until her elder sister was married. The complainant further alleged the aforesaid accused had brutally murdered his brother Jagmeet Singh and sister-in-law Beant Kaur with the sharp weapons. Based on these set of allegations, the instant FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the impugned FIR was falsely registered against the petitioner owing to a biased and arbitrary investigation. Learned counsel has further iterated that there exists no reliable or cogent evidence connecting the petitioner with the alleged offence. Learned has further submitted that the investigation was conducted in an arbitrary and biased manner solely to extend the undue benefit to the family of the complainant as the deceased Jagmeet Singh was also a police employee. According to learned counsel, the version of the complainant is highly improbable since the petitioner bears no motive whatsoever to commit the alleged offence. Learned counsel has further submitted that the star prosecution witnesses have already been examined before the Court below and only formal police officials remained to be examined. According to learned counsel, in such circumstances, no useful purpose would be served for continued incarceration of the petitioner as



CRM-M-36641-2025

4

there is no likelihood of the petitioner interfering with the remaining prosecution evidence. On the strength of aforesaid submission, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the allegations raised against the petitioner are serious in nature. Learned State counsel has referred to status report dated 01.09.2025 by way of affidavit of Ravinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Bhuchio Bathinda, District Bathinda, relevant whereof reads as under:

“Perusal of the police record reveals that it's a double murder case whereby two persons were murdered in the alleged occurrence in question namely Jagjit Singh and his wife Beant Kaur, both of whom died on account of multiple serious injuries on the vital parts of their body. The bail applicant as well as other accused are family members of said Beant Kaur and allegedly they were keeping a grudge with the deceased on account of their court marriage. The allegations against the accused/applicant in this case reveals that he alongwith his co-accused launched a concerted brutal & murderous attack upon the helpless victims, leading to their gruesome murder. The allegations against the bail applicant are of a serious magnitude and he does not deserve to be released on bail on account of the gravity of the offence in question. Even during the trial, the complainant has vehemently reiterated his version against the accused. There is a likelihood that the applicant may abscond or may threaten the prosecution witnesses, if released on bail. Mere length of custody in such like serious cases is no ground to grant the benefit of bail.”

Furthermore, learned State counsel has raised submission in tandem with the aforesaid reply and has iterated that the petitioner was specifically named in the FIR and is alleged to have played an active role in the brutal double murder of deceased Jagmeet Singh and Beant Kaur. According to learned State counsel, the FIR is not a result of bias or



fabrication, as alleged by the petitioner, but is duly corroborated by the prompt statements of eyewitnesses as well as the sequence of events recorded during investigation. It has been further submitted that the investigation was carried out in accordance with law and no material has been produced by the petitioner to demonstrate any *mala fides* or manipulation by the investigating agency. Learned State counsel has further submitted that the gravity of the offence, being a heinous double murder committed with deadly weapons, itself disentitles the petitioner from the concession of bail. Learned State counsel has submitted that though some prosecution witnesses have been examined but several material witnesses including police officials and formal witnesses, are yet to depose before the Court below. The grant of bail, at this stage, would embolden the petitioner to influence or intimidate the remaining witnesses and tamper with the evidence. In view of the nature of the allegations, the gravity of the offence and the stage of trial learned State counsel prays for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the court must evaluate factors such as the existence of prima facie evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. The court must also assess the



likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated, and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing, and overall conduct of the accused play a crucial role. Furthermore, the court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

14. *It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) : 2001(4) SCC 280*** and ***Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) : 2004(7) SCC 528*** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding*



why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.**"*

This Court also in specific terms held that :

*"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."*

*In **Panchanan Mishra v. Digambar Mishra, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143**, this Court observed :*

"The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation."



7. The petitioner is accused of committing a capital offence and is facing trial therein. The instant case pertains to a heinous double murder wherein two persons namely Jagmeet Singh and his wife Beant Kaur, lost their lives due to multiple grievous injuries inflicted upon the vital parts of their bodies. The post-mortem findings unmistakably confirm the homicidal nature of their deaths. The petitioner along with co-accused, who happens to be a close family member of the deceased Beant Kaur, hatched a deep-rooted conspiracy on account of Court marriage solemnized between the deceased couple. The petitioner alongwith co-accused armed with deadly weapons, launched a brutal attack on the victims leaving them helpless resulting in their gruesome deaths.

8. The allegations leveled against the petitioner are grave and specific which clearly indicate his active participation in the commission of the crime. In the considered opinion of this Court the very magnitude and seriousness of the crime, disentitle the petitioner to the discretionary relief of bail. Moreover, during the course of trial, the complainant (PW-5) has consistently reiterated his version and the ocular account stands corroborated by medical and circumstantial evidence. In the considered opinion of this Court, at this stage, no accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of public order and societal conscience. Granting bail in such cases would not only undermine the gravity of the offence but may also embolden the accused. Further, there



exists a strong likelihood that if enlarged on bail the petitioner may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses particularly when several material witnesses are yet to be examined. The mere fact of prolonged custody cannot, in itself, constitute a ground for bail in cases of such grave and heinous character.

9. Considering the overall circumstances, the nature and seriousness of the accusations, the evidence on record, and the possibility of tampering with prosecution witnesses, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail.

10. In view of the seriousness of the allegations coupled with the nature of evidence, this Court is of the considered opinion that the petitioner is not entitled to the concession of regular bail. Accordingly, the petition is, thus, devoid of merits and is hereby dismissed.

11. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

12. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

September 02, 2025
Ajay

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