



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

209

CRM-M No.40721 of 2025 (O&M)

Reserved on :09.09.2025

Pronounced on: 10.09.2025

Shubham Satyawar @ Nepali

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Mr.R.S.Bajaj, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 302 and 34 IPC, FIR No. 50 dated 27.05.2024, has been lodged in Police Station Maqsudan, District Jalandhar Rural. The petitioner is being prosecuted for the commission of above mentioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for the benefit of bail. This is first petition, filed by the petitioner, under Section 483 of BNSS.

2. Shorn-off all the unnecessary details, the facts of the case are that the FIR, mentioned above, came into being in view of the statement dated 27.05.2024 of Pardeep, hereinafter being referred as complainant only.

3. In his above mentioned statement it was stated by the complainant that on 27.05.2024 when he reached to his agency at about 10.00 A.M. he noticed a crowd in the plot across the road. According to complainant when he went there, he found that two persons in injured condition were lying there,



one of whom had already passed away. According to prosecution on the basis of above mentioned statement the wheel of criminal justice system was set into motion and the FIR of this case was lodged. During the course of investigation, on the basis of secret information, the accused were arrested. They were duly interrogated and their disclosure statements were recorded and sent to trial by the Court.

4. Heard.

5. It has been argued that present case is a blind murder case wherein no eye-witness account is available. According to learned counsel for the petitioner, the petitioner is innocent having no nexus, whatsoever, with the commission of crime and that without evidence he has been prosecuted in the present case. According to learned counsel for the petitioner, the present case, which is based on circumstantial evidence, there is nothing on record to show that the petitioner was having any kind of probable motive for the commission of offence, or that he was seen in the company of accused.

6. In addition to above, it has also been argued by learned counsel for the petitioner that otherwise also the petitioner has already suffered a lot incarceration for being in custody for a period of almost 1 ¼ year and that trial is not likely to be concluded in near future. It has also been argued by learned counsel for the petitioner that petitioner has no criminal antecedents and, therefore, in the given fact situation, he is entitled for the benefit of bail.

7. Per contra, learned State counsel has argued that serious offence of committing murder of one person and causing dangerous to life injuries on the body of another person have been levelled against the petitioner and that



the petitioner has suffered a confessional statement, wherein he has admitted his involvement in the commission of crime. According to learned State counsel, the prosecution is yet to avail opportunity to prove guilt of the petitioner and, therefore, at this stage, when evidence is, yet, to be concluded by the prosecution, any finding with regard to weakness of the evidence cannot be returned.

8. The record has been perused carefully.

9. A careful perusal of the record shows that present case is a case based on circumstantial evidence, and there is no-witness account. In such circumstances, the analysis of the facts and circumstances of the present case shows that there are certain factors which are necessary to be taken into consideration for deciding the present petition. Those factors are:-

- (1) that the petitioner is already in custody for a period of almost 1 $\frac{1}{4}$ year;
- (2) that custody certificate of petitioner placed on record by learned State counsel shows that the petitioner has no criminal antecedents;
- (3) that the instant case is a blind murder case wherein no eye-witness account is available;
- (4) that *prima facie* except the confessional statement of the petitioner there is no other evidence against the petitioner;
- (5) that the trial is not likely to be concluded in near future, as out of 27 prosecution witnesses only 2 witnesses have been examined so far;
- (6) that the investigation in the present case is already complete and nothing is left to be recovered from the possession of accused;



(7) that detaining of petitioner in the judicial lock up is not likely to serve any purpose.

10. If cumulative effect of all the above mentioned factors is taken into consideration it leads to a conclusion that the petitioner is entitled for the benefit of bail.

11. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on:10.09.2025

Manoj Bhutani

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