

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:162929



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CRM-M-43139-2025 (O&M)
Date of decision:21.11.2025

Nardev Singh @ Gaggi @ Nirdev Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. PKS Phoolka, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The petitioner is seeking indulgence of this Court for grant of regular bail in case arising out of FIR No.205, dated 16.10.2023, registered under Sections 302, 364, 201, 148, 149 IPC, at Police Station City Rampura, District Bathinda.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Gurpreet Kaur on 16.10.2023, alleging that on the evening of 10.10.2023, her husband Daljinder Singh @ Noor had gone to Rampura and did not come back. They had made search for him but could not find him. By suspecting that he had been abducted by some unknown person, she prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. On

21.10.2023, Baljinder Singh brother of the victim recorded his supplementary statement to the effect that he had come to know that the victim was abducted by the petitioner and co-accused and had been taken away in a scorpio car belonging to granthi Satnam Singh in the fields of the petitioner and had been killed there and his dead body has been concealed somewhere. Offences under Sections 201, 302 read with Section 120-B IPC were added.

3. As per the further allegations, the petitioner was arrested on 22.10.2023. He was interrogated and suffered disclosure statement admitting his involvement in the murder of the victim and causing disappearance of his dead body to destroy the evidence of offence. The decomposed dead body of the victim was recovered from a drain. His motorcycle was also recovered at the instance of the accused. Co-accused was also arrested. Investigation now stands completed and challan has been presented against the petitioner.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific role has been attributed to him. He was not named in the FIR. No recovery has been effected from him. He is in custody since long. The complainant and material witness Baljinder Singh have not implicated him and the other accused in commission of subject offences. His continued detention would not serve any useful purpose. The trial will take considerable time to conclude. It is, therefore, urged that the petition deserves to be allowed.

5. Per contra, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

6. This Court has heard learned counsel for the parties at considerable length.

7. Petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have abducted the victim and then killed him. There is no eye witness to the occurrence. The petitioner was nominated as accused on the basis of supplementary statement recorded by Baljinder Singh brother of the deceased. Copy of his sworn deposition has been placed on record, which shows that while appearing as a witness, he did not support the prosecution version and did not implicate the petitioner and other accused in the commission of subject offences. Even the complainant has not deposed anything as against the petitioner. Mother of the victim has also been examined and her testimony also does not connect the petitioner with the crime. Taking into consideration the nature of the evidence which has come on record and the attendant facts, this Court is of the opinion that continued detention of the petitioner would not serve any fruitful purpose. It is also well settled proposition of law that pre-trial incarceration should not be a replica of post conviction sentencing. Keeping in view the above discussed facts as peculiar to the case, this Court is of the considered opinion that the petition deserves to be allowed. The same, is, accordingly allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court concerned.

8. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

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

21.11.2025

(MANISHA BATRA)
JUDGE

harjeet

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