



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

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CRM-M No.45338 of 2025 (O&M)

Date of Decision: 21.11.2025

Baljinder Singh**.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Present:** Mr. Gurmeet Singh Saini, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Section 307 IPC [Section 302 IPC added later on], the FIR No.160 dated 31.12.2023, has been lodged in Police Station Cantt. Bathinda, District Bathinda. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail under Section 483 of BNSS. This is first petition for bail moved by the petitioner.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Jaspreet Kaur', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that her marriage was solemnized with 'Baljinder Singh' (petitioner-accused), and that out of the above mentioned wed-lock they had two children. According to complainant, on 28.12.2023 at about 7.00 P.M. her husband thrashed her by levelling false allegations that some persons used to visit her. According to complainant-victim thereafter, the petitioner-accused



poured oil on her body and set her on fire.

3. It is the case of the prosecution that in view of above mentioned statement initially the FIR for the commission of offence punishable under Section 307 IPC was lodged, but later on, when the injured-victim 'Jaspreet Kaur' passed away, the case was converted into a case for the commission of offence punishable under Section 302 IPC.

4. Notice of motion.

5. Since advance notice has already been served upon the State, Mr. Jasdev Singh Thind, DAG, Punjab, appears on behalf of respondent-State, and waives service. He has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has opted to oppose the present petition orally, only.

6. Heard.

7. It has been contended on behalf of the petitioner that the petitioner is innocent, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner on basis of a tutored version by the victim-deceased, the petitioner is facing incarceration, and he is in custody for a period of 1 year, 8 months and 24 days. According to learned counsel for the petitioner, in the present case two material witnesses have already been examined as PW-1 and PW-6, respectively, and that the PW-1 is a relative of deceased whereas PW-6 is a neighbour. As per learned counsel for the petitioner, both of them have not supported the prosecution case. While claiming that trial is not likely to be concluded in near future and that prolonged incarceration is defeating the fundamental right of life and liberty of the petitioner, the learned counsel for the petitioner has urged for the benefit of



bail for the petitioner.

8. Per contra, the learned State counsel has argued that in the present case the most clinching evidence available on record is the dying declaration of the deceased-victim which was recorded by Judicial Magistrate. According to learned State counsel the deceased in her dying declaration had given a very specific and categorical details of the manner in which she was set on fire. As per learned State counsel in view of above mentioned dying declaration which is a very strong piece of evidence this plea of the petitioner, that the PW-1 and PW-6 have not supported the prosecution case, has got no force.

9. In addition to above, the learned State counsel has also argued that this is the second petition for bail moved by the petitioner, and that from the date of dismissal of former bail application no significant change in circumstances has taken place. It has also been contended by learned counsel for the petitioner that otherwise also the trial is proceeding at a reasonable pace, and there is no inordinate delay in the conduct of trial. On the above mentioned ground the learned State counsel has sought for dismissal of present petition.

10. The record has been perused carefully.

11. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for the purpose of decision of present petition:-

Firstly, this is second petition for bail moved by the petitioner, and therefore it is the duty of the petitioner to prove that after the dismissal of former bail petition new ground has arisen or there is a significant change in material circumstances which



renders the petitioner eligible to maintain second petition for bail. However, in the present case after the dismissal of former petition for bail, on 24.01.2025, any such significant change in circumstances has not been pointed out;

secondly, the plea of prolonged incarceration has got no force as more than 50% witnesses have already been examined in this case, and the trial is proceeding at a reasonably fast pace. Thus on the ground of delay in trial also the second petition for bail is not maintainable; and

thirdly, the plea of petitioner that PW-1 and PW-6 have not supported the prosecution case has got no force, in view of the fact that deceased had made a dying declaration which was duly recorded by a Judicial Officer.

12. Taking into consideration the fact that there are very specific and categorical allegations against the petitioner that by pouring oil on the body of deceased, he set her blazed, and that for the sustainability of second bail petition no ground is made out, it is hereby held that the present petition is devoid of merit and deserves dismissal. Hence, same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

21.11.2025

Manoj Bhutani

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