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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.45458 of 2025
Date of Decision: 13.11.2025
Reserved on: 04.11.2025

Vishal @ Billa ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Shiv Kumar Sharma, Advocate,
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
65	03.04.2024	Balongi, District SAS Nagar	307, 323, 148 and 149 of IPC (302 and 201 of IPC added later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Narinderpal Singh on 03.04.2024 alleging that on 29.03.2024, Sri Akhand Path was held in the

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house of his relative Jodh Singh. Their family had constructed a shed near that house which was let out to one Milan. On the same night, the music was played loudly in the shed and noises were coming from the same. On hearing so, the complainant reached outside the shed and asked the reason for playing the music loudly. Some youths and one female was standing outside the shed who felt offended and started hurling abuses to the complainant. In the meantime, one youth took out a knife and struck a blow with the same on the palm of his left hand. The complainant raised clamour and fled for his rescue and the abovementioned 12-13 youths and one female started following him. His relative Gurwinder Singh heard the clamour and came outside. He tried to save the complainant but one of the assailants struck blows with knife upon Gurwinder Singh and also opened attack upon him. Several persons had reached there in the meanwhile and then the assailants fled away. The complainant and injured were taken to hospital for treatment. On the basis of complaint, initially a case under Sections 307, 323, 148 and 149 of IPC was registered. The victim Gurwinder Singh succumbed to injuries during the course of treatment. Offence under Section 302 of IPC was added. As per the further allegations, on 31.07.2024, the complainant recorded his supplementary statement on the basis of which the present petitioner was nominated as an accused. He was arrested on 31.07.2024. He suffered a disclosure statement admitting his involvement in the crime and also disclosed the names of the co-accused. As per his disclosure, a scuffle had taken place between the members of both the

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parties. He himself had sustained injuries in the same and that knife blows were caused to members of both the parties. The persons named by him were also arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he was not named in the FIR. It is a case of version and cross version. Members of both the parties have suffered injuries. The death of victim Gurwinder Singh had occurred due to multiple organ failure which was result of some chronic illness. It is debatable as to whether he had died due to injuries sustained by him in the occurrence. There is delay of six days in lodging of the FIR which has not been explained. The victim died four months after the incident. There is no direct evidence to connect the petitioner in the crime. As per the CCTV footage of the camera installed in the vicinity capturing the incident, the petitioner was not seen assaulting anyone. Rather it was he who had been assaulted by the members of the complainant party and had sustained injuries. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Per contra, learned Assistant Advocate General, Punjab has argued that there are serious allegations against the petitioner since in furtherance of his common intention with the co-accused, he had inflicted injuries with a knife on the abdomen of the victim. These injuries had proved fatal and resulted into the death of the victim. The petitioner also caused disappearance of evidence of offence of murder by concealing knife

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used by him. His specific involvement stands established from the material collected during investigation. There is nothing on record to show that there would be any undue delay in conclusion of the trial. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have assaulted the victim Gurwinder Singh by causing multiple injuries in his abdomen with a knife which according to his own disclosure statement, was snatched by him from the victim himself. Though he has also claimed that he had sustained injuries in the same incident and a cross version in the form of DDR No.9 had also been registered on 30.07.2024 on his statement, however, the said fact does not lessen the liability of the petitioner. The fatal injuries on the person of the victim have been attributed to the petitioner. The petitioner stands accused of a heinous crime punishable with capital punishment or life imprisonment. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of accusation of murder under Section 302 of IPC. The well settled proposition of law is that the grant of bail is a discretionary relief to be granted based on special facts and circumstance of each case and the factor such as nature of accusation, severity of punishment if the accusation entails a conviction and the nature of evidence in support of accusation are to be seen apart from reasonable apprehension of tampering with evidence or threatening of witnesses by an accused. Frivolity of prosecution should



always be considered and it is only the element of genuineness that has to be considered in the matter of grant of bail. In the light of the foregoing legal principles and having regard to petitioner’s role in the incident, the reasonable apprehension of his absconding or tampering with evidence, this Court finds no compelling ground to grant bail to the petitioner. Accordingly, the petition is dismissed.

7. It is clarified that any observation made in this order is only for deciding this petition and shall not influence the outcome of the trial and also not be taken as an expression of opinion on merits.

13.11.2025
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(MANISHA BATRA)
JUDGE

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