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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.52434 of 2024
Date of Decision: 04.02.2025

Jarnail Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.S. Bhullar, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

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
30	21.04.2019	Valtoha, District Tarn Taran	302, 201 and 34 of IPC and 25 of Arms Act, 1959

2. The aforementioned FIR had been registered on the basis of statement recorded by the complainant Nishan Singh on the allegations that on 20.04.2019, the victim Malkit Singh who was his nephew had come to him and subsequently left home while saying that he was going back to his native Village Noorwala. On the same evening, the

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complainant made a call to his sister to know about the safe arrival of Malkit Singh but was informed that he had not reached at his house. The complainant alleged that since his nephew was having some relations with the daughter of the present petitioner, therefore, feeling suspicious, he had gone towards the house of the petitioner in the next morning and had seen the dead body of the victim lying near the bathroom in the house of the petitioner. There were injuries and marks of strangulation on the dead body. While alleging that the petitioner in connivance with his family members had murdered his nephew, he prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. Postmortem examination of dead body was conducted. The petitioner was arrested on 28.04.2019. He was interrogated and suffered disclosure statement admitting his involvement in the murder of the victim and got recovered a 32 bore pistol, two live cartridges and one iron rod used by him at the time of committing the murder. The investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, on the fateful night, the petitioner had entered inside his house while carrying a pistol with an intent to kidnap his daughter and it was to save the dignity of his daughter and in self defence that the petitioner had struck a blow with iron rod on the head of the deceased and he was well within his right to do so as the victim was a trespasser who had entered inside his house with a weapon. It is submitted that the material witnesses have been examined and, therefore, there is no

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question of his intimidating such witnesses. The trial is likely to take time. The circumstances do not show any intent on the part of the petitioner to cause death of the victim. It is further argued that within the definition of Section 103 of IPC as per which the right of private defence extends to causing death, he is entitled to be extended benefit of bail. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report has already been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that there are grave and specific allegations against the petitioner who had caused homicidal death of the victim. The dead body of the victim has been recovered from his house. The trial has commenced and there is nothing to show that there would be any undue delay in conclusion of the same. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner had admittedly caused the death of the victim. The petitioner is invoking right of private defence before this Court. However, on a perusal of order dated 14.08.2024 passed by the Court of learned Additional Sessions Judge, Tarn Taran on the bail application as filed by the petitioner, it is revealed that no such plea that the victim had criminally trespassed into his house with a weapon and had tried to kidnap his daughter had been taken by the petitioner. Allegations against him are quite serious in nature. The dead body of the victim has been recovered from



his house. The plea as set up by the petitioner has to be considered and analyzed by the learned trial Court on the basis of evidence to be adduced at the trial and not at this stage. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case lest they prejudice the trial, it is held that the petitioner does not deserve to be extended benefit of bail. Accordingly, the petition is dismissed.

04.02.2025
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(MANISHA BATRA)
JUDGE

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