



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.54773 of 2024
Date of Decision: 13.01.2025

Neeraj Kumar @ Niraj Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harbir Singh Sandhu, Advocate,
for the petitioner.

Ms. Swati Batra, DAG, 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
320	15.12.2022	Jamalpur, District Police Commissionerate Ludhiana	302 of IPC (201 and 34 of IPC added later on)

2. The aforementioned FIR had been registered on the basis of statement recorded by complainant Ganga Charan alleging therein that his elder daughter Anchal who was about 18 and half years old and was studying in 11th Class, had left her house in the morning of 14.12.2022 for

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going to school but did not return home. He was making search for her till 15.12.2022 when he received information about dead body of a girl having been found in the area of Bhaini Colony, Ludhiana. On reaching there, he found that the dead body was that of his daughter and it was lying on the road side. There were marks of strangulation on her neck. After registration of FIR, investigation proceedings were initiated. The inquest proceedings and postmortem examination of the dead body was conducted. During investigation, the complainant recorded his supplementary statement alleging that he had come to know that the victim was in relationship with accused Prem Paswan who had taken her to his room at Peeran Wali Jagah, Bhamian Kalan, Ludhiana on 14.12.2022 and had strangled her.

3. As per the further allegations, the complainant then recorded a statement that the accused Prem Paswan had conspired with the present petitioner and co-accused Ajit Kumar and Vikas Kumar to dispose of the dead body of the victim and after wrapping it in a blanket, had thrown it in the fields near Bhaini Chowk on the fateful night. On the basis of his statement, the petitioner and other accused were nominated as such. Offences under Sections 201 and 34 of IPC were added. A video clip of the fateful day was also collected showing a girl in a school uniform with muffled face walking with a boy. Another video clip showed two youths riding on a motorbike while taking a dead body wrapped in a blanket between themselves. The complainant identified the dead body as shown in the video clip to be that of the victim and also identified the accused Prem Paswan as well as the petitioner. The petitioner along with the co-accused

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was arrested on 17.12.2022. The accused Prem Paswan suffered disclosure statement to the effect that he had strangled the victim to death as an argument had taken place between them on the question of performing marriage. He also disclosed that on the intervening night of 15/16.12.2022 he along with the co-accused had wrapped the dead body of the victim kept in his rented accommodation, in a blanket and all of them had transported the dead body to a secluded location to cause disappearance of evidence of offence. As per the disclosure further made by him, the petitioner had concealed the school bag and shoes of the victim in a vacant plot. The school bag and the shoes of the victim were recovered at the instance of accused Prem Paswan. Investigation has since been completed and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. No specific role in the murder of the victim has been attributed to him. He has been implicated on the basis of disclosure statement of the co-accused which cannot be stated to be admissible in evidence. He is nowhere seen in any of the CCTV footages collected from the spot. The only allegation against him is that of helping the accused Prem Paswan in throwing the deadbody of the victim. He has no direct role in commission of the murder. He has no criminal antecedents. He is in custody since 17.12.2022. The trial is likely to take time to conclude. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

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5. Status report has been filed by the respondent-State. Learned Deputy Advocate General, Punjab has argued that there are serious allegations against the petitioner as he in connivance with the co-accused Prem Paswan had aided the latter to dispose of the dead body of the victim by covering it in a blanket and putting it on the motorcycle to the accused Ajit Kumar and throwing the same in the fields. There are chances of petitioner's absconding if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

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

7. As per the allegations, the accused Prem Paswan who was in relationship with the victim had strangled her on the night of 14.12.2022 on a dispute having arisen between them and he had then conspired with the petitioner and the co-accused to dispose of the dead body of the victim and all of them had wrapped the dead body in a blanket and had thrown it at a secluded place to cause disappearance of the evidence of murder of the victim. It is not the allegation against the petitioner that he had any hand in the murder of the victim. He is in custody for a period of over two years. Out of 20 prosecution witnesses, not even a single witness has been examined so far. The trial is obviously likely to take time. Keeping in view the nature of the allegations as levelled against the petitioner and the role attributed to him, the period of his incarceration and the attendant facts and circumstances but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be

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allowed. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

13.01.2025
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(MANISHA BATRA)
JUDGE

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