

2025:PHHC:061781



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

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**CRM-18014-2025 in/and  
CRM-M No.56227 of 2024  
Date of Decision: 08.05.2025**

Balwan Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Navjot Singh, Advocate,  
for the applicant-petitioner.

Ms. Himani Arora, AAG, Punjab,  
for the respondent-State.

None for the complainant.

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**MANISHA BATRA, J. (Oral)**

**CRM-18014-2025**

The present application has been filed by the petitioner seeking preponement in the hearing of the petition.

Learned Assistant Advocate General, Punjab has no objection, if the application is allowed. Accordingly, the same is allowed and the hearing of the main case is preponed and it is ordered to be taken on the Board of this Court today itself.

**Main Case**

1. The present petition has been filed by the petitioner under

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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                                                                                                    |
|---------|------------|----------------------------------|-------------------------------------------------------------------------------------------------------------|
| 188     | 16.12.2021 | City Budhlada,<br>District Mansa | 302, 452, 379 and 511 of IPC (379 and 511 of IPC were deleted and 380 and 120-B of IPC were added later on) |

2. As per the allegations, on 15.12.2021, the complainant Rajesh Kumar and his brother had left home for their work while leaving their mother Soma Devi alone in their house. At around 7 PM, he came home and found the entrance gate lying open. On reaching the courtyard area, he saw a quilt being kept on the bed. On lifting the same, he found his mother lying in a pool of blood. She had injuries on her head. A wooden log stained with blood was lying on the bed. The articles kept in the almirah and bed were found to be scattered. His mother had died. While alleging that some unknown person had killed his mother by entering into his house with intention to commit theft, he prayed for taking action. After registration of FIR, investigation proceedings were initiated. On 19.12.2021, the complainant recorded a supplementary statement alleging that some days before the incident, his mother had told him that the present petitioner who was a visitor to their house, had been asking her to keep her jewellery and money safely and then she had disclosed to him that she used to keep the same in an almirah. He stated that suspecting the petitioner, he had made inquiries and had come to know that the petitioner had instigated the co-

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accused Munish Kumar and Vijay Kumar to commit theft of jewellery lying in the house of the complainant and they had killed his mother.

3. On the basis of the supplementary statement of complainant, the petitioner and the co-accused were nominated as such. Offence under Section 380 read with Section 120-B of IPC was added. Offences under Sections 379 and 511 of IPC were deleted. The petitioner and co-accused were arrested on 19.12.2021. They suffered disclosure statements admitting their involvement in the crime. The accused Munish Kumar got recovered a polythene containing jewellery stolen from the house of the complainant and the motorcycle used by him at the time of occurrence. Accused Vijay Kumar got recovered an electric cutter and his blood stained shirt. Presently, the petitioner along with the co-accused is facing trial for commission of 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. The supplementary statement of the complainant was recorded after three days of the occurrence by making deliberations and concoctions and the same could not be relied upon. No motive has been attributed to him for killing the victim. The allegations do not make out any case that the petitioner had hatched any conspiracy with the co-accused to murder the victim. The case rests upon statements of interested witnesses. The prosecution version is highly improbable. Infact, it is a case of blind murder. The petitioner has clean antecedents. He is in custody since long. The trial is likely to take

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considerable time to conclude since only 6 out of 16 witnesses have been examined so far. His further incarceration would not serve any useful purpose. Accordingly, it is urged that the petition deserves to be allowed.

5. Status report has already been filed by the respondent-State. Learned Assistant Advocate General, Punjab 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 considered the rival submissions.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused in pursuance of which the co-accused entered into the house of the complainant on the fateful day, committed theft of jewellery kept in the almirah of their house and committed murder of mother of the complainant. The jewellery so stolen was infact artificial jewellery. As per the allegations, the petitioner was named on the basis of suspicion but the accused as well as himself have suffered disclosure statements admitting their involvement in the crime. The jewellery stolen from the house of the complainant was recovered at the instance of one of the accused namely, Munish Kumar. The allegations against the petitioner are serious in nature. The prolonged period of incarceration cannot be considered to be a solitary ground for grant of bail to an accused of a heinous crime like the present one. The trial may be expedited further. The petitioner might not have played any specific overt act in killing the victim but the allegations prima facie show his active participation in the crime. Keeping in view the above discussed facts, the

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nature of the allegations as levelled against him, 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, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

08.05.2025  
manju

(MANISHA BATRA)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |