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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.57078 of 2024
Date of Decision: 12.08.2025
Reserved on: 06.08.2025

Baleshwar Rai ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. K.S. Brar, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, 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
0006	18.01.2024	Cantt. Jalandhar, District Police Commissionerate Jalandhar	302 of IPC

2. Brief facts 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 Parmod Kumar alleging that he was working under another Mason under contractor Nitish who was further working with a contractor Suresh Kumar. They were doing construction work in a house at Village Kot Kalan, Jalandhar. Nitish used

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to receive daily wages from Suresh Kumar and then distributed the same to him and other workers. Chanchal Kumar and the present petitioner Baleshwar Rai were also doing labour work along with him and they stayed together. On the night of 05.01.2024, when the complainant was lying on a bed along with Chanchal Kumar and the present petitioner, the latter started hurling abuses to Chanchal Kumar. The petitioner picked up a wooden stick and hit the same on the head of Chanchal Kumar due to which blood started oozing out of his head. The complainant informed Nitish who along with Suresh Kumar reached there. The injured was rushed to hospital by them but he died during the course of treatment on 17.01.2024.

3. After registration of FIR, investigation proceedings were initiated. Postmortem examination of dead body of victim was conducted. The petitioner was arrested on 19.01.2024. He was interrogated and suffered disclosure statement admitting his involvement in the case. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 19.01.2024. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

5. Status report has been filed. 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

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extended benefit of bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have caused the homicidal death of the victim by striking blows with danda on his head. As per the postmortem report, the cause of death of the victim was injury in vital organ i.e. brain which was sufficient to cause death in ordinary course and was ante mortem in nature. The allegations against the petitioner are serious in nature. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. Keeping in view the above discussed facts and circumstances but without meaning to make any comment on the merits of the case lest they prejudice the trial, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

(MANISHA BATRA)
JUDGE

12.08.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No