



CRM-M-59818-2025 (O&M)

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108+213 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-59818-2025 (O&M)

Date of decision: 07.11.2025

SIKANDER

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Viraj Kadam, Advocate;  
Mr. S.K. Verma, Advocate and  
Mr. Rakesh Kadyai, Advocate for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

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SUBHAS MEHLA, J. (ORAL)

CRM-44551-2025

This application has been filed by the applicant/petitioner under Section 528 of BNSS for placing on record the final report (charge-sheet) as Annexure P-4.

For the reasons mentioned in the application, the same is allowed. Annexure P-4 is taken on record, subject to all just exceptions.

Main case

1. This is the first petition filed under Section 483 BNSS, 2023 (Section 439 of Cr.P.C, 1973) seeking regular bail to the petitioner in a case bearing FIR No.56 dated 07.07.2024 under Sections 103, 124, 191(1), 190 and 352(3) of BNS, 2023, registered at Police Station Khui Khera, District Fazilka, Punjab.

2. As per allegations, the FIR was registered on the basis of the dying declaration of Vishavdeep, son of Sohan Lal, resident of Jattian Mohalla, Fazilka.

He stated that he had gone to village Hiranwali to bring back his wife and daughter, who had been living at his wife's parental home due to marital dispute. His wife



neither gave him divorce, nor came back to the matrimonial home to reside together with him. He stated that his wife used to give his (deceased's) entire salary to her brother (i.e. brother-in-law of the deceased / present-petitioner). He also stated that his wife, mother-in-law Pali Devi, and others had conspired against him and demanded ₹25 lakhs for his wife's return. His wife, suspecting his character, had also been threatening to approach the S.S.P. for his suspension. He further stated that on the previous night of the incident, he had spoken to his '*Mama Sauhra*' Lal Chand and Sukh Ram, who also threatened to kill him. Deceased Vishavdeep stated that on the day of the alleged occurrence, when he went to his wife's house, his mother-in-law and his brother-in-law did not let him meet his daughter, due to which a quarrel took place between them. Consequently, his brother-in-law / present-petitioner, Sikandar Lal, poured petrol/diesel on him and set him on fire. The aforementioned contents of the Dying Declaration were recorded before Learned Judicial Magistrate 1<sup>st</sup> Class, Faridkot, on 07.07.2024.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case on the instigation of Sanjay (*Jija* of Vishavdeep) and his sister Pushpa, who were accompanying him to his in-laws village, and no offence was committed by the present-petitioner as it is a case of self-immolation. Deceased-Vishavdeep allegedly set himself on fire at the petitioner's residence. He further submits that medical evidence does not support the ocular version and prosecution evidence is yet to be recorded and trial is at initial stage. Learned counsel for the petitioner has contended that the petitioner is in custody since 08.07.2024; and trial will take sufficient time to conclude, hence no fruitful purpose would be served by keeping the petitioner behind bars any longer.

4. On the other hand, on instructions, learned State counsel has opposed the bail on the ground that the petitioner, who is the brother-in-law of the deceased, is the



main accused. The incident occurred at petitioner's residence, and the offence was committed in a cruel-some and heinous manner, as Vishavdeep (deceased) was burnt alive by pouring petrol upon him. A categorical statement in this regard has been made in the dying declaration given by the deceased, duly recorded by the Ld. JMIC. This is a clinching evidence regarding the implicity of the petitioner. The accused acted in a pre-meditated manner as threats were repeatedly being extended to the deceased owing to the matrimonial discord between the deceased and the petitioner's sister. So, no relief in such a heinous offence should be granted. He submits that there is apprehension that after his release, he will tamper with the prosecution evidence.

5. Heard.

6. The allegation against the petitioner is serious in nature. The deceased, before his death, made a dying declaration which was recorded by the Magistrate wherein specific allegation has been levelled against the petitioner regarding his implicity.

7. From perusal of the facts, there is nothing to suggest that the statement of the deceased-victim was tutored, or that he was not in a fit state to make a statement. The statement has been duly recorded by the Judicial Magistrate, and till now, nothing has come up to suggest that the statement suffers from any infirmity affecting its reliability or cast aspersions on its genuineness.

8. The Supreme Court has highlighted the significance of dying declaration in ***Kundula Bala Subrahmanyam v. State of A.P., 1993 SCC (Cri) 655***, "A dying declaration made by person on the verge of his death has a special sanctity as at that solemn moment, a person is most unlikely to make any untrue statement. The shadow of impending death is by itself the guarantee of the truth of the statement made by the deceased regarding the causes or circumstances leading to his death.

A dying declaration, therefore, enjoys almost a sacrosanct status, as a piece of



*evidence, coming as it does from the mouth of the deceased victim. Once the statement of the dying person and the evidence of the witnesses testifying to the same passes the test of careful scrutiny of the courts, it becomes a very important and a reliable piece of evidence...”*

9. Keeping in view the manner of commission of offence, the role attributed to the petitioner, and the stage of the trial, this Court finds no ground to grant the concession of regular bail to the petitioner.

10. In view of the above, the present petition is dismissed.

11. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

07.11.2025  
Renubala/avin

(SUBHAS MEHLA)  
JUDGE

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