



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

225

CRM-M-62870-2024

Date of decision: 28th January, 2025

Balwinder Singh @ Popli

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mayur Karkra, Advocate for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 482 dated 15.12.2022 registered under Section 346 of IPC (Sections 364, 302, 201, 120-B, 212 read with Section 34 of IPC added later on) at Police Station Cheeka, District Kaithal.

2. As per the prosecution case, on 14.12.2022, the victim-Amit Kumar had left his house for village Peedal on his motor bike. As his phone was found switched off and his whereabouts could not be known till evening, therefore, search was made by his family members. His motor bike was found lying abandoned in Devi Lal Park Area. The complainant-Ajay Kumar lodged a report regarding missing of the victim on 15.12.2022 and a case under Section 346 of IPC was registered. On 18.12.2022, the complainant along with the family members of victim-Amit joined the



investigation and got recorded their statements alleging therein that the present petitioner along with the co-accused Narender Singh @ Nihal, Nikhil Kumar and Sagar had abducted the victim and committed his murder. Statement of one Dinesh Kumar, who had seen the victim while going along with the present petitioner and co-accused Nikhil was also recorded. Offences under Sections 302 and 364 read with Section 34 of IPC were added. The petitioner and co-accused Narender Singh and Nikhil Kumar were arrested on 18.12.2022. The SIM card of phone of the victim was recovered from the custody of the petitioner. On interrogation, the petitioner and co-accused suffered disclosure statements on 19.12.2022, admitting the factum of hatching a conspiracy to eliminate the victim, about abducting him, strangulating him and then about throwing his dead body in the canal. On the same day, the dead body of the victim was also recovered at the instance of petitioner and co-accused.

3. As per the further allegations, inquest proceedings and post-mortem examination of the dead body were conducted. The phone used by the victim was got recovered from the co-accused Narender. Offence under Section 201 of IPC was added. Accused Akashdeep and co-accused Sagar who had harboured him, were also arrested. Investigation now stands completed. The petitioner along with the co-accused is facing trial for aforementioned offences.

4. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. There is no eye-witness to the alleged abduction and the murder of the victim. No specific role has been attributed to him. The disclosure



statement allegedly suffered by him and co-accused cannot be considered to be admissible in evidence. The case is based upon circumstantial evidence and there is no proper chain of evidence to link the petitioner with the murder of the victim. Complainant Ajay Kumar and Dinesh Kumar, witness of last seen have not supported the prosecution version. Even father of the victim has not made any incriminating statement as against the petitioner. The trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is argued that he deserves to be released on bail.

5. Status report has been filed by respondent-State. It is submitted therein and it is argued by learned Deputy Advocate General, Haryana, that there are serious and specific allegations against the petitioner who by conniving with the co-accused had abducted the deceased and committed his murder. The dead body of the deceased had been recovered at the instance of the petitioner and the co-accused. Trial is going on at a proper pace and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. The call detail record of the mobile phones of the accused has been obtained and it has been revealed that the present petitioner made calls to the deceased-Amit Kumar on the fateful day i.e. on 14.12.2022 at 10:17 AM, 10:19 AM and 01:09 PM. There is also exchange of calls between present petitioner and the co-accused Narender and Sagar. The call detail record has revealed that the petitioner was in constant touch with the deceased as well as the co-accused on the fateful day when the latter had been arrested. There is a strong chain of circumstances pointing towards the guilt of the petitioner. There are chances of his absconding, if



extended benefit of bail. Therefore, it is urged that he does not deserve to be released on bail.

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

7. The petitioner by hatching a conspiracy with the co-accused is alleged to have abducted the victim on 14.12.2022 and is further alleged to have strangled him and thrown his dead body in a canal. The complainant Ajay Kumar was not an eye-witness. He has not implicated the petitioner in the subject crime. PW-2 Dinesh, who was a eye-witness of last seen has also not deposed anything against the present petitioner and similarly, the father of the deceased has also not made any incriminating statement as against he petitioner. However, as per the prosecution case, during the course of investigation, the call detail record of the petitioner and the deceased had been collected and the same reveals exchange of some calls between the deceased and the petitioner, as well as the petitioner and the co-accused. The allegations against the petitioner are serious in nature. Merely, because of the fact that some witnesses have not implicated him in the commission of offence of murder, the petitioner cannot be held entitle to be released on bail. The impact of their statements has to be considered on thorough assessment and analyzation of the entire evidence to be adduced at the trial by the learned trial Court and not at this stage, while deciding this bail petition. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the



petition does not deserve to be allowed. Hence, the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

28th January, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |