

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:043359



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CRM-M-12882-2025 (O&M)
Date of decision: 18.03.2026

Harwinder Singh @ Rana

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ramnish Puri, Advocate and
Ms. Monika Tanwar, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in case arising out of FIR No.15 dated 31.01.2024 registered under Sections 302 and 34 of IPC at Police Station Division E, District Police Commissionerate Amritsar.

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 Charanjit Kaur on 31.01.2024 alleging therein that her husband Gurjit Singh was a taxi driver who used to ply his vehicle outside the area of Saragarhi Sarai, Amritsar. On the night of 27.01.2024, someone made a call on her phone intimating that her husband had suffered

a cardiac arrest. She told the caller to take him to hospital. Within few minutes, another call was received by her to the effect that her husband had died and they were bringing his dead body to the house. Thereafter, Baljinder Singh Nihang and Harwinder Singh Rana i.e. the present petitioner, who were associates of her husband along with two unknown persons reached at the bus stand of Village Daduana and had handed over dead body of her husband by saying that he had suffered a heart attack. The dead body was cremated on 29.01.2024 and at that time, some marks of injury were seen on the head of dead body of her husband. However, the complainant and her family members assumed that the same had been sustained due to falling of her husband. On 30.01.2024, she, however, received a discreet information that her husband had been assaulted by the petitioner and co-accused and was extended beatings and caused injuries with the armlets worn by them and had died due to the impact of those injuries. She disclosed that the CCTV cameras installed at Saragarhi Sarai were checked and the entire incident showing that the victim had been assaulted by the petitioner and co-accused and had died at the spot was seen. She made prayer for taking action against the culprits.

3. After registration of the FIR, investigation proceedings were initiated. The CCTV footage of the camera showing the incident, which was given by the complainant and had been taken into possession, was verified. The authenticity of the same was proved. A certificate under Section 65-B of Indian Evidence Act was also obtained. The petitioner was arrested on 01.02.2024. He suffered a disclosure statement admitting his involvement and accused Baljinder Singh Nihang in the crime and disclosed that on the

fateful night, one passenger had got a taxi booked for Ponta Sahib. An amount of Rs.2100/- was received by the victim Gurjit Singh as commission which was distributed between the accused Sukhdev Singh @ Sahba and Inderjit Singh and when Baljinder Singh came to know about this fact, he demanded a share out of the same. An altercation had taken place and then the petitioner along with the co-accused had caught hold of the victim and caused injuries with their respective armlets on the face of the Gurjit Singh. He had fallen down and became unconscious. He was taken to hospital but was declared to be brought dead and then his dead body was handed over to his wife. The statement of one Pargat Singh was also recorded who disclosed about witnessing the incident. Subsequently, one witness namely, Kashmir Singh also recorded his statement to the effect that the petitioner along with co-accused had suffered an extra judicial confession before him on 04.02.2024. The statements of other witnesses were also recorded. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of 04 days in lodging of the FIR, which has not been satisfactorily explained. There is no incriminating evidence to connect him with the commission of subject offence. There was no motive for him to kill the victim. The dead body of the victim was cremated on 29.01.2024 without getting any postmortem examination or medical done. He has been implicated only on unverified disclosure made by some unknown person. The veracity of the CCTV footage is yet to be tested. He is in custody since long. The trial will take considerable time to conclude. No useful purpose would be served by

detaining him in custody any more. He does not have any criminal antecedents. It is, therefore, argued that the petition deserves to be allowed.

5. Per contra, learned State counsel has vehemently argued that there are serious allegations against the petitioner, who along with the co-accused had assaulted the victim thereby causing him injuries resulting into his instantaneous death. He was seen in the footage of the CCTV camera installed at the place of occurrence. This evidence itself establishes his complicity and active participation in the homicidal death of the victim. The trial may be expedited. The prolonged incarceration of the petitioner alone cannot be considered to be a reason for extending benefit of bail to him in such like cases of heinous crime. It is, therefore, stressed that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner in furtherance of his common intention with the co-accused is alleged to have inflicted injuries on the person of the victim as on the fateful night thereby resulting into his death. Undisputedly, the postmortem examination of dead body of the victim was not conducted, however, the incident has been captured in a CCTV camera installed in the vicinity of place of occurrence. The petitioner has not denied the fact that it is he who was seen along with the co-accused in the same CCTV footage. The prosecution has also relied upon the circumstance of extra judicial confession stated to be suffered by the petitioner and co-accused before PW Kashmir Singh who is yet to be examined. The allegations against the petitioner are quite grave in nature. No doubt, he has remained in custody for a period of more than two years but due to that reason alone, he does not

become entitled to be released on bail. It is well settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the material witnesses are also to be weighed. Frivolity of prosecution should always be considered.

8. In light of the foregoing legal principles and other circumstances as discussed above, this Court finds no compelling ground to allow this petition. Accordingly, the petition is dismissed.

9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.03.2026

harjeet

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No

(MANISHA BATRA)
JUDGE