

2026:PHHC:042862



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

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CRM-M-13946-2026

Jobanpreet Singh

....Petitioner

V/s

State of Punjab

....Respondent

Date of decision: 18.03.2026**Date of Uploading : 18.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Dhruv Bishnoi, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. A.G. Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 of Cr.P.C. with 483 of the Bharatiya Nagrik Suraksha Sanhita seeking grant of regular bail to the petitioner in case bearing FIR No.183 dated 06.11.2023, registered for the offences punishable under Sections 302, 120-B and 34 of IPC at Police Station Shahkot, District Jalandhar.

2. The case of the prosecution, as emanating from the record, is that the complainant namely Ajay Kumar has stated to the police that his brother namely Suraj Kumar was found lying dead in his house with multiple injuries caused by a sharp-edged weapon. The occurrence is stated to have taken place during the intervening night of 05/06.11.2023. Initially, the FIR was registered against unknown persons. However, during the course of investigation, suspicion arose against Mandeep Kaur (i.e. wife of the deceased) on account of her alleged illicit relationship with co-accused

Gurpreet Singh and prior matrimonial discord. On the basis of CCTV footage and subsequent investigation, Mandeep Kaur and Gurpreet Singh were nominated as accused. During the course of interrogation, Mandeep Kaur had disclosed that the murder of Suraj Kumar was committed by Gurpreet Singh, Jobanpreet Singh (petitioner herein) and another co-accused Harjinder Singh with her connivance. The petitioner was stated to be arrested on 07.11.2023 and is also stated to have got recovered the motorcycle allegedly used in the commission of the offence.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and his name has surfaced only on the basis of the disclosure statement of co-accused, which is inadmissible in evidence. Learned counsel has further iterated that the petitioner was not present at the place of occurrence and has no connection with the alleged crime. It has been further stated that the alleged recovery of the motorcycle has been planted upon the petitioner and no independent evidence connects him with the offence. It has been further contended that the petitioner is stated to be in custody since 07.11.2023 and the trial is progressing at a snail's pace, as only 02 out of 13 prosecution witnesses have been examined so far. Learned counsel has placed reliance upon the judgment of the Hon'ble Supreme titled as ***Sanjay Chandra versus CBI, (2012) 1 SCC, 40*** to contend that prolonged incarceration without conclusion of trial violates the personal liberty of the petitioner. It has been further contended that there is no motive whatsoever for the petitioner to commit the alleged offence. Furthermore, in view of the large number of remaining witnesses, the conclusion of trial is likely to take a considerable amount of time and, therefore, no useful purpose would be served for

continued incarceration of the petitioner. Learned counsel has emphasized that the petitioner has clean antecedents and there is no likelihood of his absconding or tampering with the prosecution evidence. On the strength of aforesaid submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the present case involves a brutal and premeditated murder committed in conspiracy. Learned State counsel has iterated that the petitioner has been specifically named by co-accused Mandeep Kaur in her disclosure statement and the investigation has revealed that the petitioner was an active participant in the execution of the conspiracy. Furthermore, the CCTV footage collected during the course of investigation reflects the movement of 04 persons on a motorcycle near the place of occurrence, which corroborates the version of the prosecution. It has been further contended that the motorcycle used in the crime has been recovered at the instance of the petitioner which is a significant incriminating circumstance. Considering the gravity of the offence, the manner in which the crime has been committed as also the role attributed to the petitioner, he does not deserve the concession of regular bail. Furthermore, there is strong likelihood that, if released on bail, the petitioner may influence witnesses or tamper with evidence. Accordingly, the dismissal of the petition in hand is prayed for.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the Court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and

the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

14. *It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280*** and ***Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528*** : "The law in regard to grant or refusal of bail is very well settled. The*

court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.**)*

This Court also in specific terms held that :

*"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."*

*In **Panchanan Mishra v. Digambar Mishra, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143**, this Court observed :*

"The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite stringent and deterrent, the accused in order to get away from the

clutches of the same indulge in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation.”

7. The factual matrix of the case, as emerging from the FIR, pertains to the commission of a heinous offence of murder wherein the deceased was found with multiple injuries caused by a sharp-edged weapon inside his residence. The nature of injuries and the circumstances under which the body was discovered *prima facie* indicate a brutal killing. Initially, the FIR has been registered against the unknown persons and during the course of investigation; the investigative agency unfolded a conspiracy allegedly involving the wife of the deceased and her associates including the petitioner. In the considered opinion of this Court, the role attributed to the petitioner is not merely peripheral. As per the prosecution case, the petitioner is one of the assailants who, along with co-accused, has executed the murder pursuant to a pre-meditated plan. The recovery of the motorcycle allegedly used in the commission of the offence at the instance of the petitioner constitutes an incriminating circumstance at this stage. The CCTV footage showing the presence of multiple persons on a motorcycle near the place of occurrence further lends *prima facie* corroboration to the prosecution version and cannot be ignored while considering the prayer for grant of regular bail. Though it is correct that the petitioner was not named in the FIR, however, during investigation his involvement is stated to have surfaced on the basis of disclosure statement of co-accused Mandeep Kaur. At the stage of consideration of bail, this Court is not required to meticulously examine the evidentiary value of the material, but only have to see whether a *prima facie* case is made out. The plea of the petitioner that he has been falsely implicated and was not present at the spot are disputed

questions of fact, which cannot be adjudicated while considering the plea for grant of regular bail.

8. The allegations leveled against the petitioner are grave and specific which clearly indicate his active participation in the commission of the crime. In the considered opinion of this Court, the very magnitude and seriousness of the crime, disentitle the petitioner to the discretionary relief of bail. The gravity of the offence and the manner in which it has been committed are relevant considerations while exercising discretion under Section 439 of Cr.P.C./483 of BNSS. No accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of public order and societal conscience. Granting bail in such cases would not only undermine the gravity of the offence but may also embolden the accused. Furthermore, the apprehension expressed by the State that the petitioner may influence the witnesses also cannot be said to be unfounded particularly when several witnesses are yet to be examined. The mere fact of prolonged custody cannot, in itself, constitute a ground for bail in cases of such grave and heinous character.

9. The reliance placed by learned counsel for the petitioner on the judgment titled as *Sanjay Chandra* case (supra) is misplaced and is distinguishable on facts as well as on law. In cases involving serious offences like murder committed in furtherance of a criminal conspiracy, the gravity of the allegations and the role of the accused assume significant importance. The petitioner is facing trial for offences punishable under

Sections 302, 120-B, 34 IPC arising out of a brutal murder. Furthermore, during investigation, the petitioner has been nominated as an accused on the basis of disclosure statement of co-accused Mandeep Kaur whereinafter he got recovered the motorcycle used in the occurrence which *prima facie* indicates the involvement of the petitioner. At the stage of bail, this material cannot be ignored while considering the plea for grant of regular bail.

10. In view of the seriousness of the allegations coupled with the nature of evidence, this Court is of the considered opinion that the petitioner is not entitled to the concession of regular bail.

11. In view of the prevenient ratiocination, it is ordained thus:

(i) The present petition is devoid of merits and is hereby dismissed.

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

March 18, 2026

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No