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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.19111 of 2026

Balwinder Singh Dhanoa ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	22.05.2026
2.	The date when the judgment is pronounced	26.05.2026
3.	The date when the judgment is uploaded on the website	26.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. GPS Bal, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Rahul Garg, Advocate,
for the complainant.

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

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“BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
27	16.02.2024	Kotwali Nabha, District Patiala	307, 323, 379, 148, 149 and 120-B of IPC (307 and 323 of IPC were deleted and 302 of IPC was added later on)

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 Surjit Kaur alleging that on the night of 10.02.2024, her son Harpreet Singh @ Priti had gone to J.D. Gym Nabha for the purpose of exercising when the present petitioner who was nursing a grudge with her son, in connivance with his accomplices namely, Soni Sansi, Harry, Sikander, Thulli and some other unknown persons, assaulted her son, caused injuries to him with weapons which they were carrying with an intent to kill him and had then thrown him near Dhariwal Eye Hospital in an injured condition. Her son had been admitted to hospital and was in Coma since that date. She also alleged that one audio recording of the petitioner giving instructions to his accomplices to give beatings to her son and to kill him, had also gone viral on social media and she had come to know about this. By alleging that the petitioner and his accomplices had caused injuries to her son with intent to kill him, she prayed for taking action in the matter. Initially a case under Sections 323, 307, 379 and 120-B of IPC read with Sections 148 and 149 of IPC was registered on the basis of her statement. During investigation, the victim succumbed to his injuries and offence under Section 302 of IPC was added on 18.02.2024.

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3. The petitioner and co-accused Amanjot Singh @ Thulli were arrested on 27.02.2024. On interrogation, the petitioner suffered a disclosure statement admitting his involvement in the crime and got recovered the wallet and cell phone of the deceased, which were identified by the complainant. The call detail records of cell phones of the deceased, petitioner and other accused during the relevant period were obtained which revealed that the petitioner and co-accused were in active contact with each other. The complainant also handed over a pen drive containing record of conversation between the petitioner and co-accused Sikander and Soni for assaulting the victim, which was taken into custody by the police. Subsequently, accused Sukhwinder Singh @ Sikander @ Bachhi was arrested who suffered disclosure statement that on instigation of the petitioner and under the influence of intoxicants, he along with accused Thulli, Soni and Harry had assaulted the victim with shocker rods and after keeping weapons in the boot of Swift car of accused Harry, they had fled from the spot.

4. As per the further allegations, on 21.06.2024, the complainant Surjit Kaur presented a pendrive containing some videos posted on social media by the accused proclaiming that they had committed the murder of the victim on the basis of which some other persons were also nominated as accused. Investigation now stands concluded.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not present at the place of

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occurrence and has no connection with the commission of the alleged offences. There is delay of six days in lodging of the FIR. The authenticity of the video clip and audio recording is yet to be established. He has been in custody for a period of over two years. PW-2 Gurdeep Singh who was one of the alleged witness to suffering of extra judicial confession by the petitioner, has since been examined and has not supported the prosecution version. Another witness to suffering of such statement namely, Ramandeep Singh has been given up by the prosecution as an unnecessary witness and he too has also not been examined. There are no chances of conclusion of trial in near future as only 02 out of 29 prosecution witnesses have been examined so far. The co-accused Gurpiar Singh has been extended benefit of bail. He deserves to be treated at parity. There is no eye-witness to the murder of the victim. No fruitful purpose would be served by his continued detention. His antecedents are clean. It is, therefore, argued that he deserves to be released on bail.

6. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that there are serious allegations against the petitioner who was the main precipitator of the crime as it was on account of conspiracy hatched by him with the co-accused that the murder of the victim had been committed by the co-accused. An audio recording as well as pendrive containing the post made by the accused on the social media taking responsibility for murder of the victim has been made part of challan report. The voice samples of the petitioner have been taken for the

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purpose of proving authenticity of the same. There are chances of petitioner's intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, argued that he does not deserve to be released on bail.

7. This Court has considered the rival submissions.

8. The petitioner is alleged to have hatched a conspiracy with the co-accused and as per the allegations, in pursuance of the said conspiracy and as well as on instigation of the present petitioner, the co-accused Soni, Sikander, Harry and Thulli had assaulted the victim in a brutal manner by using lethal weapons thereby causing his homicidal death. Though the petitioner was not present in person at the spot but during the course of investigation, an audio recording containing the conversation between the petitioner and the co-accused, has been collected wherein he is heard instructing the co-accused to extend beatings to the victim. A post is also alleged to have been made in social media making proclamation that the victim had been killed by the petitioner. The allegations against the petitioner are quite grave in nature as the same prima facie make out that he was a mastermind of the crime. The fact that one of the prosecution witness has turned hostile cannot be considered to be sufficient reason for entitling the petitioner to seek benefit of 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

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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.

9. 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.

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

26.05.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No