

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M No.17831 of 2026 (O&M)
Date of Decision: 07.05.2026

Baljit Singh @ Baba Bohra

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

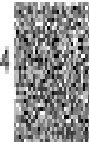
Present: Mr. Manjot Singh Rai, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.38 dated 02.04.2025, for the commission of offence punishable under Sections 127(6) & 137(2) [Sections 103(1), 55 and 61(2) added later on] of 'the Bharatiya Nyaya Sanhita 2023, Police Station Bhikhiwind, District Tarn Taran.

2. The abovementioned FIR came into being on 02.04.2025 at the instance of 'Gurmukh Singh' who stated that he had 9 ½ years old son namely 'Gurpyar Singh', hereinafter being referred to as 'deceased' only, who was studying in Grade-III in Government School. According to complainant on 02.04.2025 at about 4.00 P.M. his wife called him, and informed that the deceased had not returned home. As per complainant thereafter he along with his wife and others searched his son, and during that endeavour 'Kulwinder

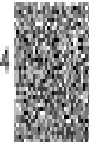


Kaur' wife of 'Balwinder Singh, who is their next door neighbour, told him that when she was returning home from her place of work, she had noticed that two boys were taking 'Gurpyar Singh' on a motorcycle towards Bhagwanpura side. As per above named complainant 'Smt. Kulwinder Kaur' also told him that the boy was going with them quietly. While referring to the above mentioned incident the complainant requested for the search of his son.

3. It is the case of the prosecution that in view of above mentioned statement formal FIR for the commission of offence punishable under Sectiona 127(6) and 137(2) of Bharatiya Nyaya Sanhita, 2023, was recorded and the investigation taken up. The prosecution has further alleged that during the course of investigation on 04.04.2025 the complainant got his supplementary statement recorded wherein he told that the dead body of his son 'Gurpyar Singh' was found floating in a drain by his relative 'Ajay Pal Singh'. As per prosecution in view of above mentioned statement of complainant the dead body of deceased was recovered by the police and sent for post mortem examination.

4. The prosecution has further alleged that during the course of further investigation, on 15.04.2025, another supplementary statement was got recorded by the complainant, wherein he stated that he had come to know that his brother 'Gurpyar Singh' was kidnapped by his nephew, i.e. brother's son a juvenile, and therefore, action be taken against him.

5. It is the case of prosecution that in view of above mentioned supplementary statement the juvenile, namely xxxxx, was apprehended on 15.04.2025. The prosecution has further alleged that during the course of

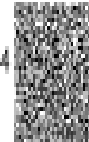


further investigation on 02.06.2025 another supplementary statement was got recorded by the complainant, wherein he stated that he had come to know that along with juvenile xxxxx his father 'Harjinder Singh' & mother 'Harjit Kaur', along with 'Baba Bohar Singh @ Bora' (petitioner herein), 'Sandeep Singh' and 'Jaj' were also involved in the killing of 'Gurpyar Singh'. As per prosecution in view of above mentioned supplementary statement the petitioner was arrested. The prosecution has further alleged that the co-accused of the petitioner namely 'Harjinder Singh' and 'Harjit Kaur' had voluntarily suffered their respective disclosure statements, wherein they sacrificed the son of complainant (deceased) on the advise of petitioner. It is the case of the prosecution that the petitioner, too, had suffered a disclosure statement, wherein he admitted his involvement in the commission of above mentioned offence.

6. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

7. Heard.

8. It has been contended by learned counsel for the petitioner that the petitioner is innocent, having no nexus, whatsoever, with the commission of crime, and that the present case wherein the petitioner has been suffering incarceration for a long time, is a case of no evidence. According to learned counsel for the petitioner the only evidence collected against the petitioner is the confessional statement of co-accused, which did not led to discovery of any fact pertaining to the present case. The learned counsel for the petitioner has further contended that the confessional statement of the petitioner has also

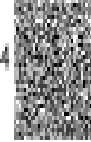


been recorded and that the same is apparently barred by Section-23 of Bharatiya Sakshya Adhiniyam. As per learned counsel for the petitioner except the above mentioned disclosure statements, which were recorded when the petitioner and his co-accused were in police custody there is no evidence on record to show the involvement of the petitioner in the commission of crime.

9. It has also been pointed out by learned counsel for the petitioner that no scientific evidence has been collected by the investigating agency, and that even the so called last seen evidence is not convincing, as the prosecution story shows that the deceased was possibly taken away by the juvenile xxxxx, but despite being a known face he was not identified by the neighbour of the complainant, namely Kulwinder Kaur.

10. In addition to above, the learned counsel for the petitioner has also contended that nothing has been left to be recovered from the possession of petitioner, as the investigation is already complete and the challan has already been filed and the trial is not likely to be concluded in near future.

11. The learned State Counsel has controverted the abovementioned arguments. The learned State Counsel has contended that this plea of learned counsel for the petitioner has got no force that the present case is a case of no evidence. According to learned State counsel in the present case there is sufficient convincing evidence, showing the involvement of petitioner in the commission of crime and that the most significant amongst them is the statement of complainant himself, coupled with the disclosure statement of co-accused, namely 'Harjinder Singh' and 'Harjit Kaur'.

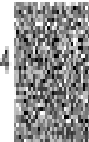


12. As per learned State counsel in the present case in the name of religious rituals, the life of a child has been taken away by a close relative of the deceased, i.e. his real uncle, aunt and cousin, and that the petitioner was instrumental in instigating them to commit the above mentioned offence, in the name of child sacrifice. As per learned State counsel in view of above mentioned facts & circumstances, the petitioner is not entitled for the benefit of bail.

13. The record has been perused carefully.

14. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for a decision in the present petition:-

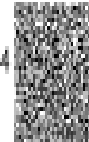
- i) that the petitioner is already in custody for a period of almost nine months;
- ii) that the petitioner has no criminal antecedents;
- iii) that the investigation in this case is already complete and after crystallization of facts nothing has been left to be recovered by the investigating agency;
- iv) that except the disclosure statement of the co-accused, there is no evidence on record to show the involvement of petitioner in the commission of crime. The abovesaid disclosure statement was recorded when the co-accused was already in police custody. Thus, there is a question mark with regard to admissibility of above mentioned disclosure statement in



evidence;

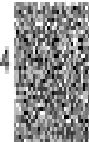
- v) that the trial is not likely to be concluded in near future;
- vi) that even the last seen evidence collected by the investigating agency nowhere show the involvement of the petitioner in the commission of crime;
- vii) that the entire evidence collected by the investigating agency is *prima facie* a hearsay evidence, which carries no probative value;
- viii) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

15. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is



another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

16. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 SCC 51 are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of



a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

17. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

18. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

19. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

20. Accordingly, without commenting anything on the merits of the



case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the abovesaid benefit shall be subject to following conditions:-

- i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any other authority;
- ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- iii) that the petitioner shall not leave India without prior permission of trial Court.

21. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

07.05.2026
Manoj Bhutani

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