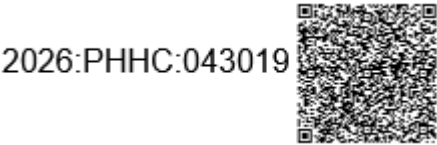


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-24248-2025 (O&M)

Malkiat Ram

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	12.03.2026
2.	The date when the judgment is pronounced	19.03.2026
3.	The date when the judgment is uploaded on the website	19.03.2026
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. Aminder Singh, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.111, dated 17.08.2024, registered under Sections 103, 109, 324(4), 324(5), 3(5) and 117(2) of the BNS, at Police Station Machhiwara, Tehsil Samrala, District Khanna.
2. The aforementioned FIR was registered on the basis of

statement recorded by complainant – Lakhvir Singh, alleging that on the night of 16.08.2024, he was present at his house along with his family members when an information was received by his son Kulwinder Singh that some altercation was taking place between his nephew Rajwinder Singh @ Rinku and Malkiat Ram @ Mantri, Sonu and some unknown persons. On being so informed, his son Kulwinder Singh left home along with his nephews Sohan Singh and Manmohan Singh, who were present at his house at that time. The complainant also left home along with one Gurvir Singh on a motorcycle. At about 09:40 A.M., when he reached near the bus stand of his village, within his sight, a *verna* car driven at a high speed came from village Chakli Manga side and the driver of the said vehicle deliberately rammed his son's motorbike. Sohan Singh and Manmohan Singh, who were occupants of the motorbike had fallen on the side. Thereafter, the driver of the said vehicle took a reverse turn and hit his son again, thereby crushing him. The complainant and his companions raised clamour. In the meanwhile, the petitioner while holding a baseball bat alighted from the said *verna* car and struck blows with the same on his son. Accused Sonu was driving the said vehicle. Injured Sohan Singh and Manmohan Singh were also assaulted by the petitioner with baseball bat and by giving kicks. The injured were rushed to the hospital. His son succumbed to the injuries sustained by him.

3. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 20.08.2024. He got recovered the base ball bat used by him at the time of occurrence. Other accused were also arrested. Investigation already stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The ingredients for commission of the offences punishable under Sections 103 and 109 of the BNS are not at all attracted against him. He is in custody since long. He is not required for further investigation. The trial will take considerable time to conclude since not even a single witness out of 25 prosecution witnesses has been examined so far. His continued detention would not serve any useful purpose. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, argued that that the petition deserves to be allowed.

5. Status report has been filed. Learned State counsel has vehemently argued that keeping in view the gravity of the allegations as levelled against the petitioner and the fact that the petitioner was an active participant in the occurrence and was infact the precipitator of the crime, the instant petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner, in connivance with the co-accused is alleged to have hit the vehicle of victim Kulwinder Singh, son of the complainant on the fateful night, struck vehicle of the victim, crushed him with his car and then gave blows with baseball bat to ensure his death. He along with co-accused is further alleged to have caused injuries to injured Sohan Singh and Manmohan Singh with the same baseball bat. He had fled from the spot in his *verna* car. The allegations against him are serious in nature. The recovery of the weapon of offence had been effected at his instance. The material

witnesses are yet to be examined. His complicity in the commission of offence of murder and attempt to murder stands *prima facie* established. The allegations against the petitioner are quite serious in nature. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 of IPC. There exists a genuine apprehension that his release may imperil the course of trial and undermine the integrity of the trial and could pose a risk by influencing unexamined witnesses or tampering with evidence. 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 complainant is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail. It is also well settled proposition of law that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242 and State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. In light of the foregoing legal principles, this Court finds no compelling ground to

grant bail to the petitioner. Accordingly, the petition is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

19.03.2026

harjeet

(MANISHA BATRA)
JUDGE

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