

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:017509



214

CRM-M-36488-2025 (O&M)

Date of decision:05.02.2026

Birinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Dhot, Advocate and
Mr. G.S. Mehra, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

Instant petition has been filed by the petitioner for grant of regular bail in case arising out of FIR No.248, dated 13.08.2023, registered under Section 302 read with Sections 34, 120-B IPC and Section 25 of the Arms Act, at Police Station City Rajpura, District Patiala.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Ashwani Kumar to the effect that the victim Dr. Dinesh Kumar, his cousin was running a medical shop. On the night of 12.08.2023, on receipt of information about his admission in the hospital in an injured condition, he had reached there and had found that the victim had been assaulted by some persons with sharp edged weapon and had sustained serious injuries and then succumbed to the same. A case

against unknown persons was registered. Investigation proceedings were initiated. Post mortem examination of the dead body of the victim was conducted.

3. As per the further allegations, footages of CCTV cameras installed in the vicinity were collected. A telephonic information was received on 28.11.2023 to the effect that the petitioner along with co-accused, who were arrested in another case bearing FIR No.102, dated 22.11.2023, at Police Station Sadar Rajpura, had been interrogated and suffered disclosure statements admitting their involvement in the murder of the victim. Petitioner and co-accused were joined into investigation of this case and were formally arrested on 29.11.2023. They suffered disclosure statements admitting their involvement in the crime by saying that by hatching a conspiracy with each other, they had entered the shop of the victim and had committed his murder by firing shots upon him and had taken away cash amount kept in his shop. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statements allegedly suffered in some other case jointly with the co-accused, which cannot be considered to be admissible in evidence. No incriminating article has been recovered at his instance. He is in custody for a period of over 02 years, 02 months and 02 days. The trial will take considerable time to conclude since only 01 out of 29 prosecution witnesses has been examined so far. No specific act has been attributed to him. There is no eye witness to

the occurrence. It is a case of circumstantial evidence. There is no circumstance to connect him with the subject crime. His further incarceration would not serve any useful purpose. It is, thus, argued that he deserves to be extended the benefit of bail.

5. Status report and custody certificate have been filed. Learned State counsel has argued that there are serious and specific allegations against the petitioner, who in his own disclosure statement, admitted his involvement in the crime of committing offence of robbery and killing the victim by hatching a conspiracy with the co-accused. The petitioner is a habitual offender. There are chances of his committing similar offences, intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, stressed that he does not deserve to be extended the benefit of bail.

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

7. The petitioner by hatching a conspiracy with the co-accused is alleged to have entered inside the shop of the victim on the fateful night and while robbing him of his money, committed his murder. Though, the allegations against the petitioner are serious, however, he has been connected with this case only on the basis of disclosure statement. Neither any incriminating article has been recovered from him nor there any other circumstance to connect him with the subject crime. It is only on thorough assessment of the evidence to be produced during the trial that any conclusion as to his involvement can be drawn and not at this stage. The continued detention of the petitioner will not serve any useful purpose. It is well settled proposition of law that pre-trial incarceration should not be a

replica of post conviction sentencing and the incarceration should neither be punitive nor preventive.

8. In view of the above discussion, this Court is of the opinion that a case is made out for grant of bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the extent of two sureties in the like amount each, to the satisfaction of the learned trial Court, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

9. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

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

05.02.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE