

2026.PHHC.043008



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49008-2025

Kuldeep Singh @ Bura

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	11.03.2026
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 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. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 45 dated 08.05.2024 registered under Sections 302, 201 and 34 of IPC at Police Station Sangat Bathinda, District Bathinda, Punjab.

2. The aforementioned FIR was registered on the basis of statement

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recorded by the complainant Harbans Singh, alleging that on the evening of 07.05.2024, his elder son Angrej Singh had left home but did not return. They had made search for him but could not find him. At about 10:00 PM, when the complainant and his family members while searching for him, had reached near the house of Sardul Singh, they found some blood to be scattered on the road. On checking, dead body of his son was found to be lying in a ditch on the right side of the road. It was naked and the face was covered with mud. A handkerchief was found to be tied around his neck and there were marks of injuries on his neck, chest and face. Blood was oozing out of his nose. By alleging that his son had been killed by some unknown persons, the complainant prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. On the same day, Krishan Singh, younger son of the complainant recorded his statement alleging that the petitioner had committed the murder of the victim. The petitioner was nominated as such. The petitioner was arrested on 09.05.2024. He suffered disclosure statement admitting his involvement in the offence of murder of the victim Angrej Singh and got recovered the blood stained t-shirt and lower of the victim worn by him at the time of occurrence and hidden by the petitioner. On the basis of a supplementary statement recorded by Krishan Singh and also by some other witnesses, Gurpreet Singh, Dharampal Singh and Lakhvir Singh, were nominated as additional accused and were arrested subsequently. Statements of some other witnesses were recorded which revealed that on the night of

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07.05.2024, Gurpreet Singh, Dharampal Singh and Mintu Singh had taken the victim along with them to a wine shop, where they had consumed liquor. The petitioner had also joined them and had consumed liquor. Thereafter, the petitioner and the victim had gone to nearby *dhaba* where they had some altercation with the truck drivers. An altercation had taken place between the petitioner and the victim subsequently and under the influence of liquor, the petitioner had strangled the victim while giving beatings to him. Other persons named as accused were found to be innocent and had been discharged. Investigation qua the petitioner now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. His name has been subsequently taken by witness Krishan Singh after making deliberations and concoctions. The said Krishan was not an eye witness to the occurrence. The case is even otherwise based on circumstantial evidence and there is no incriminating circumstance to connect him with the murder of the victim. He had no motive to kill the victim. He is in custody for a period of about 01 year and 10 months. No useful purpose would be served by detaining him in custody anymore. Trial will take considerable time to conclude as only 01 witness has been examined so far. The petitioner has clean antecedents. It is, thus, argued that the petition deserves to be allowed.

5. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner. His complicity in the subject crime stands fully established. He had got recovered the blood stained clothing of the

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victim. The naked dead body of the victim had been recovered and this fact was sufficient to prove the involvement of the petitioner in the subject crime. Prolonged incarceration of the petitioner cannot be considered to be a reason to extend benefit of bail in a crime like the present one. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have strangled the victim to death and then to have thrown his dead body in a water channel after removing the clothing from the same. The clothing of the victim had been recovered at the instance of the petitioner. There might not be any direct evidence to the murder of the victim but the aforementioned circumstance *prima facie* establishes his complicity in the crime. 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

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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.

[MANISHA BATRA]
JUDGE

19th March, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |