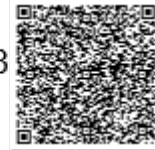


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:013348



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CRM-M-49994-2025 (O&M)

Date of decision:29.01.2026

Suraj Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Deepak Sharma, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. Instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking concession of regular bail in case bearing FIR No.35, dated 17.02.2021, registered under Sections 346, 302, 201, 364, 34 IPC, at Police Station Sahnewal, Ludhiana.

2. The aforementioned FIR was initially registered under Section 346 IPC on the basis of statement recorded by the complainant – Suresh Prajapati on 17.02.2021, alleging therein that on the evening of 13.02.2021, his son Rajan Prajapati had left home and did not return. He had made inquiries at his own level and had come to know that on that very day, he had an altercation with the petitioner, who had also not returned home. After registration of the FIR against unknown person, investigation proceedings

were initiated. It was revealed that the petitioner as well as co-accused Munish Kumar and Shankar Sharma had not returned home since 13.02.2021. On 19.02.2021, the complainant recorded his supplementary statement to the effect that the petitioner and the above named accused had extended beatings to his son near Peer Baba Majar on 13.02.2021. CCTV footage installed in the vicinity of Peer Baba Majar was collected. A local resident Rajesh Kumar disclosed that on 13.02.2021 at about 8:00 P.M., he had seen three youths while assaulting one more youth and taking him away on his bike. Statements of some other witnesses were also recorded, which revealed that the petitioner and co-accused had extended beatings to the victim and had then taken him away. The petitioner was arrested on 20.02.2021. On interrogation, he suffered disclosure statement admitting his involvement in the crime of murder of the victim. In pursuance of his disclosure statement, dead body of the victim was recovered from Sidhwan Canal, wherein it was found floating. Petitioner and co-accused also got recovered the motorbike used in the crime along with other incriminating material i.e. wooden stick, wooden handle and an iron pipe used at that time. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for about a period of 05 years. The trial will take considerable time to conclude. He was not named in the FIR. No useful purpose would be served by detaining him any further. It is further argued that the complainant was not eye witness to the occurrence. The testimony of PW1 Deepak Kumar is not trustworthy. PW2 Anurag Verma in whose presence the dead body of the victim was

recovered, has deposed that the petitioner was not present at that time. It is, therefore, argued that he deserves to be released on bail.

4. Status report and custody certificate have been filed. It is argued by learned State counsel that the allegations against the petitioner are serious in nature. On account of a monetary dispute of Rs.10,000/- between him and the victim, he in connivance with the co-accused, had brutally assaulted the victim and had thrown him in the Sidhwan Canal, thereby causing his homicidal death. The incriminating material has been recovered at his instance. Even the dead body was exhumed in pursuance of his disclosure. Another witnesses, who had lastly seen the victim with the petitioner and co-accused is yet to be examined. There are chances of his intimidating material witnesses or absconding, if extended benefit of bail. It is, thus, stressed that the petition does not deserve to be allowed.

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

6. The petitioner in connivance with the co-accused is alleged to have abducted the victim, to have assaulted him, thereby causing several injuries on his person and then to have thrown him in the Sidhwan Canal to cause disappearance of evidence of offence of murder. He along with co-accused was lastly seen by PWs Deepak Kumar and Rajesh Kukmar, while assaulting the victim. The petitioner has placed on record Annexure P-3, copy of sworn testimony of PW1 Deepak Kumar, who is shown to have supported the prosecution version by saying that on the fateful day, he had seen the petitioner and co-accused while extending beatings to the victim and causing injuries to him. He identified the petitioner in the Court as one

of the assailants. Another material witness is yet to be examined. The allegation that the petitioner may intimidate that witness cannot be stated to be unfounded at this stage. A copy of testimony of PW2 Anurag Verma, who was the witness to the recovery of the dead body of the victim at the instance of the petitioner and co-accused, has been placed on record, which reveals that though in his examination-in-chief, he had stated that he had identified the petitioner and co-accused but during his cross-examination, he had stated that at the time of recovery, accused Shankar and members of the general public were present. However, it is only on thorough assessment of the overall evidence to be produced during the trial that any inference as to the impact of this testimony can be drawn or not at this stage. The allegations against the petitioner are quite serious in nature. 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 or petition 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 material witnesses is also to be weighed. Frivolity of prosecution should also be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail. The petitioner is accused of commission of a heinous crime punishable with capital punishment or life imprisonment. 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 IPC. It is also well settled proposition of law that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds 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)*.

7. In light of the foregoing legal principles and circumstances as discussed above, this Court finding no compelling ground to allow this petition. Accordingly, the petition is dismissed.

8. It is clarified that any observation made in this order is only for deciding this petition and shall not influence the outcome of the trial and also not be taken as an expression of opinion on merits.

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

29.01.2026

harjeet

(MANISHA BATRA)
JUDGE

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