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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-56542-2025 (O&M)
Date of decision: 10.03.2026

Lovekush @ Nanhe @ Lavkush Kumar**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Rhythem Bajaj, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 80 dated 07.11.2024, registered under Sections 103 and 3(5) of BNS, 2023 at Police Station Daba, Ludhiana, District Police Commissionerate Ludhiana.
2. The aforementioned FIR was registered on the basis of the statement recorded by the complainant Kuldeep Vishvakarma on 07.11.2024 alleging therein that his younger brother Raj Kumar was living in a rented accommodation along with his wife and two children. Quarrels used to take place between Raj Kumar and his wife Kiran. On 07.11.2024, on receipt of information about death of his brother Raj Kumar, he rushed to Civil Hospital, Ludhiana and found the dead body of his brother Raj Kumar lying therein. There were some marks on his neck. He made inquiries and came to know that Kiran had illicit relationship with the present petitioner and the victim had come to

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know about this fact. The complainant further alleged that the petitioner and his sister-in-law Kiran had come to him on the same day and had admitted that in a fit of rage, they had strangled the victim and had told him (the complainant) that they would settle the matter amongst themselves. The complainant prayed for taking action against the culprits.

3. After registration of the FIR, investigation proceedings were initiated. post-mortem examination of the dead body of the victim and the inquest proceedings were conducted. The petitioner and co-accused were arrested on 07.11.2024. Co-accused Kiran suffered disclosure statement admitting her involvement in the crime and got recovered a red color *Dupatta* used for strangulating the victim. The CCTV footage installed outside the site of occurrence had also been procured. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is no eyewitness to the murder of the victim. The case rests upon the circumstantial evidence and the only circumstance relied upon against him is the extra judicial confession allegedly suffered by the co-accused and himself, before the complainant admitting that they had killed the victim. In fact, he had not suffered any such extra judicial confession before the complainant. Even otherwise, the evidence of extra judicial confession is a very weak piece of evidence, which requires further corroboration. The case is based on hearsay evidence. The petitioner is not required for further investigation. Sister of co-accused Kiran is living with the complainant. Civil litigation qua property is going on between them and with intent to falsely implicate the co-accused Kiran and to get her share as well in

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the property, a false story has been concocted by the complainant. He is in custody since long. He has clean antecedents. There are no chances of conclusion of trial in near future as no prosecution witness has been examined so far. There is no other incriminating circumstance to connect him with the commission of the subject offences. No useful purpose would be served by keeping him in custody anymore. It is, thus, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

5. *Per contra*, learned State counsel has argued that the allegations against the petitioner are quite serious in nature. He was not only named in the FIR but he had suffered an extra judicial confession before the complainant admitting his involvement in the murder of the victim. He had motive to eliminate the victim due to his having illicit relationship with the wife of the victim. The CCTV footage of the camera installed in the vicinity of house of the victim had been procured and it was revealed that the petitioner along with co-accused Kiran had entered into his house at the relevant time and they came out of the house while co-accused Kiran was holding a red color *Dupatta* in her hand. The *Dupatta* used for strangulating the victim had been recovered at his instance. The victim has died a homicidal death as the postmortem report confirms that it was a case of strangulation. The trial may be expedited. Hence, it is urged that the petition is liable to be dismissed.

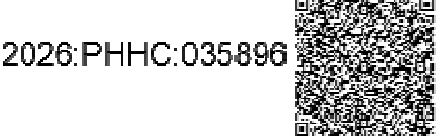
6. This Court has heard the rival submissions.

7. The petitioner along with co-accused Kiran, with whom he was having an extra marital affair, is alleged to have killed the victim Raj Kumar, who was husband of co-accused Kiran, by strangulating him with the help of a

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Dupatta. The said *Dupatta* has been recovered at the instance of the petitioner. As per the postmortem report, the death of the victim had occurred due to strangulation. The motive attributed to the petitioner is that he had been in extra marital relationship with the wife/co-accused Kiran of the victim and they wanted to remove him from their way. The victim has admittedly died a homicidal death. The respondent-State has placed on record a pen drive containing CCTV footage of the area outside the house of the victim. Although, the same is a matter of evidence, however, on a perusal of the same, it is prima facie revealed that the petitioner and co-accused Kiran had entered into the house of the victim on the fateful day and had come back within a short time, while co-accused Kiran was holding a Dupatta in her hand. The allegations against the petitioner are quite serious in nature. He stands accused of committing a heinous crime. The complainant has not yet been examined. The well settled proposition of law is 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).*** Keeping in view the gravity of the allegations levelled against the petitioner, the part played by him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner does not deserve to be released on bail, at this stage. Hence, the petition is dismissed.



8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

10.03.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>