

2026.PHHC.042753



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-61311-2025

Jashanpreet and another

...Petitioners

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	18.03.2026
3	The date when the judgment is uploaded on the website	18.03.2026
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. Vinod Ghai, Senior Advocate with
Ms. Kashish Sahni, Advocate and
Mr. Arnav Ghai, Advocate for the petitioners.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

Mr. Lakhwinder Singh Mann, Advocate for the complainant.

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. 29 dated 15.05.2025 registered under Sections 103(1), 140(1), 351(3) and 238 of

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Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Fattu DHINGA, District Kapurthala.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Jugraj Singh, alleging that his younger brother Sodh Singh was serving as a teacher in private school at village Dhaliwal Bet and village Raipur Peer Baksh, District Kapurthala and was living in a rented accommodation at Bhulath. He used to visit his native village once in a week. In the morning of 09.05.2025, he had informed his father on phone that due to holidays in the school, he was coming home and that he had proceeded from village Bhulath. However, he did not reach home till late evening. Even his phone was found to be switched off. Search was made for him, but he could not be located. Matter was reported to the police on 10.05.2025. On 14.05.2025, his dead body was found lying in the area of police Station Fattu DHINGA, District Kapurthala. The same was brought to the police station and was identified by the complainant. Injuries were found on the dead body of the victim. The complainant raised suspicion that the victim was murdered by Jagmohan Singh with whom the victim was having enmity or by some other persons acting at his instance. The above named Jagmohan Singh was nominated as accused.

3. The accused Jagmohan Singh was arrested on 15.05.2025. He suffered disclosure statement admitting his involvement in the crime. He revealed that he had hatched a criminal conspiracy with his brother-in-law, co-accused Gurnek Singh, to commit the murder of the victim. In furtherance

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of this conspiracy, the petitioners and co-accused Pahaljit Singh, Ram Bahadur, and Mukhtiar Singh abducted the victim and subsequently carried out the murder. The petitioners were arrested on 15.05.2025. On interrogation, they too suffered disclosure statements admitting their involvement in the crime. Investigation now stands completed.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case on the basis of disclosure statement of the co-accused Jagmohan Singh which cannot be considered to be legally admissible in evidence. No recovery has been effected from them. They had no motive to kill the victim. The case of the prosecution rests upon circumstantial evidence and there is no direct or indirect evidence to connect them with the subject crime. The chain of events to connect them is totally broken and incomplete. They are in custody since long. Trial will take considerable time to conclude. Their further incarceration would not serve any useful purpose. It is, therefore, argued that they deserve to be released on bail.

5. Status report has been filed by respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioners, they do not deserve to be extended benefit of bail. There are chances of their absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. Short reply has been filed by the complainant. Learned counsel for the complainant has argued that one Sakattar Singh had seen the petitioners

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and the co-accused while extending beatings to the victim on the fateful day and had identified them, however, the Investigating Officer in order to favor the petitioners, had not recorded the statement of the above named Sakattar Singh. There are serious allegations against the petitioners. The complainant has been continuously receiving threats from the side of the petitioners to compromise the matter or to face dire consequences. The complainant is yet to be examined. There are chances of petitioners' intimidating him and other material witnesses or absconding, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

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

8. The petitioners are alleged to have joined the co-accused Gurnek Singh, Pohaljit Singh, Ram Bahadur, and Mukhtiar Singh on 09.05.2025 and by hatching a conspiracy with them are further alleged to have abducted the victim and to have committed his murder. They were nominated on the basis of disclosure statement of the co-accused Jagmohan Singh. There is no eye-witness to the murder of the victim and the case rests upon the disclosure statements of the co-accused as well as of the petitioners themselves. No recovery has been effected at their instance. The complainant in its reply has submitted that one Sakattar Singh was an eye-witness to the incident but he has not been cited as a witness by Investigating Agency. Along with his reply, the complainant has placed on record a copy of affidavit of Sakattar Singh to that effect. Although, no reliance can be placed upon this document at this

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stage, however, the allegations against the petitioners are serious in nature. The material witnesses are yet to be examined. The apprehension that the petitioners may intimidate such witnesses cannot be stated to be unfounded at this stage. There is nothing on record to show that there would be any undue delay in conclusion of the trial. 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 103 of BNS. There exists a genuine apprehension that their 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. Keeping in view the nature of the allegations levelled against 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 petition does not deserve to be allowed. Accordingly, the same is dismissed.

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9. 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.

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

[MANISHA BATRA]
JUDGE

18th March, 2026
Parveen Sharma

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