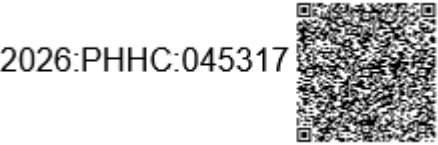


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-65199-2025 (O&M)

Jaspal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	19.03.2026
2.	The date when the judgment is pronounced	23.03.2026
3.	The date when the judgment is uploaded on the website	23.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the 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. Ashish Aggarwal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.214, dated 21.11.2024, registered under Sections 103 and 3(5) of the BNS, at Police Station Sadar Tarn Taran, District Tarn Taran.

2. As per the allegations, complainant – Supreme Singh recorded his statement on 21.04.2024, alleging that on visiting his agricultural land on the same morning, he had found dead body of one unknown person lying there. The aforementioned FIR was registered. Investigation proceedings were initiated.

3. During investigation, one Avtar Singh came to the police station and identified the dead body to be that of his son Surjit Singh @ Vicky. His statement to that effect was recorded. He subsequently recorded another statement, alleging that on making inquiries, he had come to know that his daughter-in-law Manpreet Kaur @ Manu was having illicit relations with the petitioner. His son Surjit Singh @ Vicky used to object to the same and that in connivance with Manpreet Kaur @ Manu and Gurmeet Singh @ Babba, the petitioner had committed murder of his son by taking him along with them. The petitioner and co-accused Manpreet Kaur @ Manu were nominated as accused. They were arrested on 23.11.2024. Accused Manpreet Kaur @ Manu suffered disclosure statement admitting the factum of hatching a conspiracy with the present petitioner on account of her relationship with him and also disclosed that on the intervening night of 21/21.011.2024, the petitioner and co-accused Gurmeet Singh @ Babba as per the agreed plan, had taken the victim to a hotel, where they consumed liquor and then they had gone near village Rasoolpur canal where both of them had killed the victim. She also disclosed that she was present with the co-accused at the time of killing the victim and was later dropped by accused Jaspal i.e. the present petitioner. The vehicle used by the accused at the time of occurrence was also got recovered. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of blind murder and there is no eye witness to the occurrence. The case rests upon circumstantial evidence and no incriminating circumstance has been pitted into service to link him with the subject offences. The supplementary statement of the complainant cannot be considered to be sufficient for this purpose as he was not the eye witness to the occurrence. Disclosure statement of co-accused cannot be considered to be admissible in evidence against him. There is no scientific evidence to link him with the subject crime. The prosecution version itself is quite improbable and unnatural since it is difficult to believe that the victim accompanied the petitioner for procuring liquor despite suspecting that he was having some relation with his wife. His continuous detention would not serve any useful purpose. It is, therefore, argued that he deserves to be extended the benefit of bail.

5. Per contra, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, 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 is alleged to have hatched a conspiracy with the co-accused and in pursuance of that conspiracy, is further alleged to have taken the victim along with him on the pretext of consuming liquor and had killed him. The case rests upon the disclosure statements of the co-accused as well as the petitioner himself. These disclosure statements, though subject to evidentiary scrutiny at trial, cannot be brushed aside at this stage. The role

attributed to the petitioner suggests that he was the brain behind the crime and attracts not only the rigors of criminal conspiracy but also of his being the main assailants since it was he, who is alleged to striking blows with a *kirch*, thereby slitting the neck of the victim and killing him. The co-accused Gurmeet Singh has been extended benefit of bail by coordinate Bench of this Court. However, the case of the petitioner cannot be stated to be at parity with the said accused against whom there are allegations that he had caught hold of the victim. Moreso, it is well settled proposition of law that parity cannot be the sole ground for grant of bail while utilizing the plea of parity as a ground ground of bail, the Court must focus on the role of the accused and it cannot be given solely because other accused was granted bail in connection with the same offence. Reliance in this regard can be placed upon the observations made by the Hon'ble Supreme Court in ***Sagar Vs. State of U.P. & another, 2025 SCC online SC 2585***. The allegations against the petitioner are quite serious in nature. He is alleged to be the main assailants, who had caused homicidal death of the victim. The trial is going at a proper pace as 12 out of 27 prosecution witnesses already stand examined. Therefore, it cannot be stated that there would be any undue delay in conclusion of the same. 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 also 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. 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.

23.03.2026

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No