



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

104

CRM-M-10997-2025

Date of decision: February 27th, 2025

Balkaran Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prince Goyal, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail in FIR No.68 dated 08.09.2024 under Sections 103, 140, 61, 190, 191 of the BNS registered at Police Station Raman, District Bathinda.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated and has no involvement in the alleged offence. It has been argued that the petitioner has been named in the FIR (Annexure P-1) solely because he is the brother of the co-accused, Sardara Singh, who is the principal accused in the present case. It is further submitted that no specific role has been attributed to the petitioner. While drawing the attention of this Court to the allegations levelled in the FIR, learned counsel has pointed out that the complainant and her uncle, Gurudev Singh, allegedly witnessed all the accused assaulting the deceased and subsequently transporting him on a motorcycle driven cart. However, no immediate complaint was lodged with the police, raising doubts about the veracity of the allegations.

3. Notice of motion.

4. Mr. Navdeep Singh, Deputy Advocate General, Punjab, accepts notice on behalf of the State.

5. *Per contra*, learned counsel for the State has opposed the prayer and submissions made by the counsel opposite by drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1 and stands reproduced hereinunder:

“Copy of statement, "Statement of Soma Kaur wife of late Sat Pal Singh, resident of Bangi Nihal Singh Wala, Police Station Raman, District Bathinda, age about 35 years, phone no. 90419-01584. Stated that I am resident of aforesaid address and labourer by profession. I got married with Sat Pal Singh son of Leela Singh, resident of Bangi Nihal Singh Wala about 16 years ago. Presently, we are residing on Sukhladhi road, Village Bangi Nihal Singh Wala Dhania. I am having two children, of them one daughter and one son. We are three sisters and brother. My father Surjit Singh had passed away about 05 years ago. My elder brother Jalandhar Singh is married, who along with his children, is residing in our village Raman. After demise of my husband, my mother Jagir Kaur was residing with me. My younger brother Harduar Singh was married with Balbir Kaur resident of Burj Mahima, who was having two daughters. Since last two years, Balbir Kaur wife of my younger brother Harduar Singh had deserted him, leaving both the daughters in his company and after that my brother Harduar Singh along with his both daughters started residing with me on Sukhladhi road, Village Bangi Nihal Singh Wala Dhania. Yesterday, on dated 07.09.2024, my brother Harduar Singh, who had gone to see my mother Jagir Kaur, in village Raman and in evening, at around 7-8 O'clock returned home to me and after taking dinner, at about 10:30/11 O'clock, in night, my brother Harduar Singh left, on motor cycle, on the pretext for going to Sukhladhi and went towards Sukhladhi road and after some time, we heard cries near to our houses, upon which I rushed outside the house and reached on road and meanwhile, my maternal uncle-in-law Gurtej Singh son of Jagar Singh, resident of Bangi Nihal Singh Wala also reached near to me on the road. We both, having torch, rushed towards the road where an incident had taken place and in light of torch we saw that Sardara Singh alias Dara; Kuldeep Singh; Balkaran Singh sons of Jagga Singh; Shingara Singh son of Sohan Singh; Sohan Singh son of Waryam Singh; Harbans Singh son of

Tarlok Singh; Tarlok Singh son of Waryam Singh; Gobind Singh son of Gurcharan Singh, residents of Bangi Nihal Singh Wala and some other unknown persons were inflicting beatings to my brother Harduar Singh. On raising alarm by us, those all the aforesaid persons put my brother Harduar Singh in a motor cycle cart and took him away, who were wielding lathis and two other motor cycles. All these persons also took away motor cycle of my brother with them. We raised alarm, a lot, for help but it being mid-night, no help could be fetched. In morning at about 06 O'clock, it was revealed to us that aforesaid all persons and Parveet Kaur alias Preet wife of Sardara and Manpreet Kaur, mother of Sardara Singh, gave beatings to my brother Harduar Singh with lathis after tying him with rope, due to which he died. Cause for the grievance is that my brother Harduar Singh was having illicit relations with Parveet Kaur wife of Sardara Singh alias Dara, to which Sardara Singh alias Dara and his family members became aware and in this context bitterness between Harduar Singh and Sardara Singh alias Dara was going on and earlier also discord, in this context, took place between them twice. For this grudge itself, last night, aforesaid Sardara Singh alias Dara and all the aforesaid persons, in connivance with each other, rounded my brother Harduar Singh and abducted him and then after taking him to his house subjected him with beating by tying him and ultimately committed his murder. Legal action against all the aforesaid persons may be initiated.”

6. Learned State counsel has argued that a reading of the above reproduced FIR clearly reveals that the petitioner has been explicitly named in the FIR and assigned a specific role in the abduction and assault of the deceased. Learned counsel for the State contends that the custodial interrogation of the petitioner is necessary to unearth the circumstances leading to the death of the deceased after his abduction.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. The material on record including the FIR reveals that the petitioner has been specifically named therein, with clear allegations that he, along with the other accused, not only assaulted but also

abducted the deceased. The subsequent recovery of the body of the deceased on the following morning further underscores the gravity of the allegations.

9. Given the nature of the allegations and the necessity to ascertain the sequence of events culminating in the death of the deceased, this Court concurs with the submissions of the State that custodial interrogation of the petitioner is imperative for a thorough investigation.

10. In view of the aforesaid, no ground is made out for extending the extraordinary concession of anticipatory bail to the petitioner.

11. Accordingly, the instant petition stands dismissed.

12. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 27th, 2025

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No