



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

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CRM-M-24487-2025

Date of decision: 29th August, 2025

Buddhi Lal @ Bala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karandeep Singh Sidhu, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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. 05 dated 08.01.2023 registered under Section 302 of IPC at Police Station Sarabha Nagar, Ludhiana.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Banita on 08.01.2023, alleging that her eldest daughter Rani was married to the petitioner about one and a half year back. The petitioner used to harass her daughter and hence, after leaving her matrimonial home, she had started residing with the complainant from the last three months. She had started working at D-mart. The petitioner used to extend threats on phone to the complainant and her



daughter by saying that she should be sent to her matrimonial home or otherwise he would kill her. She alleged that on 07.01.2023, her daughter had gone for her work but did not return home. Feeling worried, the complainant left her house to go to the workplace of her daughter and while on the way, she saw the petitioner while quarreling with her daughter. He had a brick in his hand. Within the sight of the complainant, he struck blows on the head of her daughter with that brick due to which she was seriously injured. The complainant raised clamour and then the petitioner fled while throwing the brick. The victim was rushed to hospital but she was declared to be brought dead. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested and is in custody since 08.01.2023. Presently, he is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been in custody since 08.01.2023. The material witness i.e. Banita, has since been examined. Only two material witnesses out of twelve witnesses have been examined after presentation of Chalan. Trial will take considerable time to conclude. Due to prolonged incarceration, he deserves to be released on bail. Therefore, it is argued that the petition deserves to be allowed. To fortify his arguments, learned counsel for the petitioner has placed reliance upon the judgment of Supreme Court in *Chanderbhan Singh vs. State of Madhya Pradesh*, *Doc Id #2594608* and Delhi High Court in *Crl. M.A.10870-2025* titled as *Phulmati Tamang @ Neha vs. State of NCT of Delhi*.

4. *Per contra*, it is argued by the learned State counsel that the allegations against the petitioner are serious in nature. The complainant,



Banita, who was an eyewitness to the occurrence as well as mother of the deceased, has been examined and has duly supported the prosecution version. Trial is going at a proper pace, and it cannot be stated that there would be any undue delay in conclusion of the same. Even otherwise, his prolonged incarceration has no effect keeping in view the gravity of the allegations. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner is alleged to have committed the murder of his own wife on 07.01.2023. The complainant who was eyewitness to the occurrence, has since been examined. No doubt the petitioner has been in custody since 08.01.2023, and nine witnesses are yet to be examined. However, in the considered opinion of this Court, the mere fact that the accused has undergone certain period of incarceration by itself does not entitle him to be enlarged on bail. In support of this opinion, this Court relies upon the observations made by Hon'ble Apex Court in *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*, wherein it was observed so and it was further held that the fact that trial is not likely to be completed in near future either by itself or coupled with the period of incarceration would not be sufficient for enlarging an accused on bail when the gravity of the offence alleged is severe. The authorities which have been cited by learned counsel for the petitioner are not applicable to the peculiar facts and circumstances of the present case. Keeping in view the nature of the allegations as levelled against the petitioner, quantum of sentence which



the conviction may entail and the attendant facts and circumstances of the case, but without meaning to make any comment upon the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. This Court is, however, compelled to observe that copies of orders passed by the learned trial Court have been placed on record and on a perusal of the same, it is revealed that the complainant, Banita was examined as PW-2 on 24.10.2024. However, in the orders dated 10.02.2025 and the subsequent orders passed till date, bailable warrants are again shown to have been issued against the same PW-2 Banita, by ignoring the fact that she had been examined long back. The learned trial Court is directed to look into the matter and to ensure that such-like mistakes are not committed anymore as not only the issuance of warrants against an already examined witness is wasting the time of the trial Court but also of the process agency. In this regard, report be sent by trial Court within 20 days. A copy of this order be sent to the learned trial court by the Registry.

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

[MANISHA BATRA]
JUDGE

29th August, 2025

Parveen Sharma

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