



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**
224 CRM-M-59985-2024
Date of decision: 20th February, 2025

Vijay Kumar @ Ballu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bhawesh Chaudhary, Advocate for the petitioner.
(through VC)
Ms. Himani Arora, AAG, 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. 196 dated 25.12.2022 registered under Sections 324, 452 read with Section 34 of IPC (Section 302 and 120-B of IPC added later on) at Police Station Mukerian, District Hoshiarpur.

2. As per the prosecution version, on 24.12.2022, two youths with muffled faces and being armed with a sword and handle of handpump, entered inside the house of Vidhi Chand, uncle of the complainant-Jagmohan Singh and assaulted him. On clamour being raised by Vidhi Chand, the complainant had rushed to his house and seeing him, those youth fled away. Som Raj son of the victim also came out of his room in the meanwhile and the victim was taken to hospital by him and the complainant. Initially, a case under Sections 324 and 452 read with Section 34 of IPC was made out. The victim succumbed his injuries on 27.12.2022. Offence under



Section 302 of IPC was added. Post mortem examination and inquest proceedings were conducted. The witness Som Raj recorded a supplementary statement, on the basis of which accused Vishwa Manhas and Suman Kumari nominated as accused. Suman Kumari was arrested on 28.12.2022 and while admitting the involvement of her son and herself in the murder of the victim, she also took the names of the present petitioner and accused Manish Kumar @ Mangu on the basis of which, they were also nominated as such. The petitioner and co-accused Manish Kumar were arrested on 30.12.2022. The petitioner suffered disclosure statement and got recovered handle of the handpump used by him causing injuries to the victim resulting in his death. The accused Vishwa Manhas has not been apprehended so far. The petitioner along with the remaining accused is facing trial for commission of the aforementioned offences.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. There is no eye-witness to the occurrence. The case is based on circumstantial evidence. Testimony of the son of the victim is not at all reliable. The complainant stands examined and did not identify the petitioner as one of the assailants. Trial is likely to take time. His further detention would not serve any useful purpose. The disclosure statement of co-accused is not admissible in evidence against the petitioner. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner. Recovery of weapon of offence was effected from the



petitioner and this circumstance is a material incriminating circumstance.. Therefore, it is urged that the petitioner does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused Vishwa Manhas and in pursuance thereof, he along with the co-accused Manish Kumar @ Mangu is alleged to have gone to the house of the victim on the fateful night and caused fatal injuries to him resulting into his homicidal death. A copy of statement of PW-2 Som Raj i.e. son of the victim has been placed on record as Annexure P-4 and a perusal of the same reveals that he duly identified him as one of the assailants. Allegations against the petitioner are quite grave in nature. Trial is going on at proper pace and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the part attributed to the petitioner in commission of offence of murder of the victim, quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

20th February, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*

: *Yes / No*

2. *Whether reportable*

: *Yes / No*