



CRM-M-31741-2024

-1-

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-31741-2024
Reserved on: 1st April, 2025
Pronounced on: 21st April, 2025**

Harmanjeet Singh @ Kaku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. K.B. Raheja, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The instant one is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No. 123 dated 22.06.2023 registered under Sections 302, 379 read with Section 34 of IPC (Section 392 and 411 of IPC added later on) at Police Station City Abohar, District Fazilka, Punjab. His previous petition bearing CRM-M-8069-2024 had been dismissed as withdrawn vide order dated 07.03.2024.

2. As per the allegations, on the night of 21.06.2023, victim Kartar Singh was sleeping in his agricultural land. In the next morning, his dead body was found lying in the motor room. The limbs of the dead body were tied with the help of ropes on the cot in which he had slept. The tractor and trolley of the deceased was also found missing. On the basis of the statement recorded by complainant Dalbir Singh, who is son of the victim, aforementioned FIR was registered against unknown persons. On



23.06.2023, the complainant recorded his supplementary statement, on the basis of which the present petitioner along with co-accused were nominated as such. The petitioner was arrested on 24.06.2023. He suffered disclosure statement admitting his involvement in the murder of the victim as well as committing robbery of the vehicle belonging to the complainant/victim. Recovery of the tractor and trolley was effected from the co-accused Gurjant Singh and some of its parts were recovered from accused Akashdeep Singh. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of supplementary statement of the complainant which cannot be acted and relied upon at all. There is no eye-witness to the murder of the victim. The tractor and trolley were recovered from the co-accused as per the prosecution case. No recovery was effected from the petitioner. He is a young boy, who was aged only 19 years at the time of the incident. Neither his presence at the spot nor his involvement in commission of subject offence is established. The disclosure statement of the co-accused cannot be considered to be admissible in evidence against him. The complainant has since been examined. The trial would take considerable time. His further detention would not serve any useful purpose. Therefore, it is argued that he deserves to be released on 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 who by hatching a conspiracy with the co-accused had committed robbery of the tractor trolley belonging to the



complainant/his father and had killed the victim. He had actively participated in the incident. The CCTV footage from a toll plaza was collected during investigation which showed that the stolen tractor trolley was taken by the petitioner and the co-accused. His complicity in the crime is established. There are chances of his absconding, if extended benefit of bail. Accordingly, it is urged that the petition does not deserve to be allowed.

5. Rival contentions as raised by both sides have been considered.
6. The petitioner in connivance with the co-accused is alleged to have committed theft/robbery of the tractor trolley belonging to the complainant/victim on the intervening night of 21/22.06.2023, while doing so, they are alleged to have murdered the victim. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Mere long incarceration of the petitioner cannot be considered to be a ground for releasing him on bail. The allegations against the petitioner are quite grave in nature. Keeping in view the above discussed circumstances but without meaning to make any comment on the merits of the case lest they prejudice the trial, this Court is of the opinion that the petitioner does not deserve to be extended benefit of bail. As such, the petition is dismissed.
7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st April, 2025

Parveen Sharma

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