

2025:PHHC:114089



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

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CRM-M-29769-2024

Date of decision: August 27, 2025

BALJINDER SINGH @ GONA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. L.S. Mann, Advocate
for the petitioner.

Mr. H.S. Deol, Sr. DAG, Punjab.

Mr. Dhiraj Jindal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.(ORAL)

1. The instant petition has been filed under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.72 dated 17.08.2023 under Section 302 (and Section 34 added later on) of the Indian Penal Code, 1860, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 18.08.2023 in a case resting wholly on circumstantial evidence. It has been contended that although it is a case resting on circumstantial evidence but there is a chain of broken links all along inasmuch as the motive, which plays a prominent role in such like cases, is clearly amiss. It has been argued by the learned counsel that as per the case of the prosecution, after the petitioner, co-accused and the deceased had consumed liquor, they entered into a brawl with the deceased, leading to



the latter being inflicted fatal injuries. However, one of the witnesses PW Varinder Singh, who purportedly witnessed the verbal spat between the deceased and the accused including the petitioner, did not support the case of the prosecution, as a result of which he was declared hostile. It has also been submitted that one witness of extra-judicial confession namely Kamaldeep Singh, before whom the accused including the petitioner confessed to their involvement in the murder of the deceased, did not support the case of the prosecution, as a result of which, he too was declared hostile. Learned counsel has, therefore, in the aforementioned facts and circumstances and pertinently when even as per the Chemical Examiner's Report/postmortem report, no traces of alcohol were detected in the deceased, even the motive, even assuming for the sake of arguments to be a sudden quarrel, stands demolished. Learned counsel has, therefore, prayed that in the aforementioned facts and circumstances, when not only the two material witnesses i.e. PW Varinder Singh (witness who overheard the verbal spat between the deceased and the accused) and PW Kamaldeep Singh (witness of last seen) having been examined along with the father and brother of the deceased, further incarceration of the petitioner would serve no useful purpose as 10 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite Learned State counsel has not disputed that no suspicion was raised *qua* the involvement of the petitioner in the crime in



question nor any other incriminating evidence, much less recovery of weapon of offence, has been effected from the petitioner. However, it has been asserted that there was a CCTV footage of 10.08.2023, wherein the petitioner, co-accused and the deceased could be seen travelling together. On being pointedly asked as to the motive for the petitioner to commit the crime in question, learned State counsel, on instructions, has stated that it appeared to be a sudden quarrel after the accused and the deceased had consumed liquor. On further instructions, it has not been disputed that two of the material witnesses i.e. PW Varinder Singh and Kamaldeep Singh have been declared hostile.

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

5. The petitioner has been in custody since 18.08.2023. The material witnesses have not supported the case of the prosecution. The possibility of the petitioner tampering with evidence or intimidating the witnesses does not arise in the aforementioned facts and circumstances since they already stand examined and were declared hostile. Moreover, no motive has been attributed to the petitioner to commit the crime in question.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to admit the petitioner to bail. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.



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7. 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.

8. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

August 27, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*