

Baljinder Singh Alias Aman

v.

State of Punjab & Anr.

(Criminal Appeal No. 2629 of 2025)

16 May 2025

[B.V. Nagarathna and Satish Chandra Sharma, JJ.]

Issue for Consideration

Whether the High Court erred in granting bail to the respondents-accused(s) setting aside the order of the Trial Court by which it declined to grant bail.

Headnotes[†]

Code of Criminal Procedure, 1973 – s.439 – Penal Code, 1860 – ss.302, 323, 34, 427, 120B – High Court set aside the order of the Trial Court declining to grant bail to the respondents-accused(s) – Interference with:

Held: Respondents are alleged to have committed the offence u/s.302, IPC – It may be a fact that the respondent-accused(s) may have carried the injured victim, who later died, to the Hospital but he was actually brought dead to the hospital – This fact will have to be considered *de hors* from the fact as to who actually had committed the offence in the first place in the instant case – Trial court rightly noted the said aspect and declined to grant bail – However, the High Court set aside the said order and granted bail on a very cryptic reasoning – Order of the High Court set aside and that of the Sessions Court is restored. [Paras 19, 20]

List of Acts

Code of Criminal Procedure, 1973; Penal Code, 1860.

List of Keywords

Bail; Regular bail; Regular bail declined; Regular bail rightly declined; Injured victim; Brought dead; Cryptic reasoning; Wooden stick blow on the head; Filthy language; Trespass; Dismantling the barbed wire fencing on the property; Wooden sticks; Habitual offender.

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Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 2629 of 2025

From the Judgment and Order dated 14.11.2024 of the High Court of Punjab & Haryana at Chandigarh in CRMM No. 36312 of 2024

With

Criminal Appeal No. 2630 of 2025

Appearances for Parties

Advs. for the Appellant:

Dev Datt Kamat, Sr. Adv., Revanta Solanki, Hruday Bajentri, Lalit Singla, VPS Mithewal, Shivam Garg, Ms. Varsha Sharma, Lalit Singla, Raj Kishor Choudhary, Shakeel Ahmed, Ms. Lara Siddiqui, Ms. Pratibha Singh, Dhruv Kaushik, Sarfaraj Ahmed Siddiqui, Vikram Patralekh.

Advs. for the Respondents:

Randeep Singh Rai, Sr. Adv., Siddhant Sharma, Ms. Osheen Bhat, Aman Dwivedi, Karan Sharma, Pushpinder Singh, Ms. Anurag Rana, Dharmendar Singh, Harsh Wadhwani, D. Bharat Kumar, Manoj Kumar, Aman Shukla, M. Chandrakanth Reddy, Ms. Mehak Sharma, Gopal Jha, Yash Gupta.

Judgment / Order of the Supreme Court

Judgment

Leave granted.

2. These appeals have been preferred by the complainant by being aggrieved by the order dated 14.11.2024 passed by the High Court of Punjab and Haryana at Chandigarh in CRM-M-35115/2024 (O&M) and CRM-M-36312/2024 (O&M).
3. By the impugned order, the High Court has set aside the order of the Trial Court declining to grant regular bail to the respondents herein and consequently, has allowed the petitions for bail. At this stage itself, it may be mentioned that the regular bail was sought by the respondents herein with regard to the FIR No.30 dated 22.03.2023 which was registered under Sections 302, 323, 148, 149 (Sections 148

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and 149 deleted and Sections 34, 427, 120B added later on) of the Indian Penal Code, 1860 (for short “IPC”) at Police Station Nangal, District Rupnagar.

4. The said FIR was registered based on the statement given by the complainant (hereinafter “appellant”) against accused No. 1 – Mandeep Singh alias Bhoda and accused No.2- Narinder Kumar alias Nindi (hereinafter “respondents”).
5. According to the statement of the appellant, he runs his own crusher under the name ‘Sat Sahib’ located in the village Haripur. He purchased land measuring approx. 65 acres at the village in Taraf Majri, Tehsil Nangal. He has further stated that abutting to the said land, there is the land of accused No. 1. The appellant alleged that he received a telephonic call at about 11.30 p.m. to the effect that the respondents, accompanied by 7-8 other persons, were using filthy language against the appellant and trespassed onto his land by dismantling the barbed wire fencing on his property. It was further alleged that after receiving the said call, the appellant along with his driver Anil (hereinafter “deceased”), Deepak Kumar and Chowkidar Bahadur Singh had gone to the appellant’s land at Taraf Majri in his Land Cruiser vehicle when the respondents rammed their Fortuner car into the car of the appellant. When appellant came out from his car, accused No. 1 hit the deceased with their car and threw him down. It was alleged that all the accused persons were armed with wooden sticks when they stepped out of their car. Accused No.1 gave a wooden stick blow on the head of the deceased whereas accused No.2 inflicted injuries to the deceased and other persons accompanying the appellant. The appellant witnessed the entire occurrence but fearing for his life, fled the scene and later discovered that the respondents took deceased to the hospital where he was found to be dead.
6. The respondents were arrested in connection with aforesaid FIR on 23.03.2023 and were sent to judicial custody.
7. The Inspector General (IG) Rupnagar Range, Rupnagar, on receipt of complaint from Dev Raj (father of accused No. 2) transferred the investigation in the present matter to Ms. Darpan Ahluwalia, IPS, Assistant Superintendent of Police, Sub Division Dera Bassi, District SAS Nagar, Mohali.

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8. A charge sheet was submitted by the SHO, Police Station Nangal before the competent court on 20.06.2023. The JMIC, Rupnagar took cognizance and the matter was committed to learned Additional Sessions Judge, Rupnagar (hereinafter “trial court”) for trial and adjudication. Thereafter, a supplementary charge sheet was filed on 09.10.2023 based on subsequent investigation conducted by Assistant Superintendent of Police, Dera Bassi, District SAS Nagar.
9. Being aggrieved, the respondents filed a petition (CRM-M-62252-2023) under Section 482 of Code of Criminal Procedure, 1973 (hereinafter “CrPC”) before the High Court seeking quashing of charge sheet. The High Court by order dated 15.12.2023 directed the trial court to adjourn the proceedings beyond the date fixed by the High Court (i.e. 09.01.2024). Being aggrieved, the appellant filed SLP (Crl.) Diary No.15274/2024 before this Court, which was dismissed on 13.05.2024 with liberty to the appellant to move an application before High Court for early hearing of the main matter. However, the application filed for that purpose by the appellant before High Court was dismissed on 16.07.2024. As such, the interim order passed on 15.12.2023 for restraining the trial court from proceeding further with trial proceedings is still in operation.
10. In the above backdrop, the respondents had earlier preferred an application seeking regular bail under Section 439 of the CrPC before the trial court by way of separate bail applications bearing Nos. BA-612-2024 (accused No. 1) and BA-634-2024 (accused No. 2). The same came to be dismissed by orders dated 21.05.2024 and 24.05.2024 respectively, finding that accused No. 1 is a habitual offender as eight other criminal cases have also been registered against him and keeping in view the gravity of the offences in this case and the heinous crime alleged to have been committed by the respondents.
11. Thereafter, the respondents again preferred regular bail applications bearing Nos. CRM-M-35115/2024 (O&M) (accused No. 1) and CRM-M-36312/2024 (O&M) (accused No. 2) before the High Court. The High Court allowed the said applications by way of the common impugned order dated 14.11.2024, thereby enlarging the respondents on bail. Being aggrieved by the grant of bail, the appellant-complainant has preferred the instant appeal before this Court.
12. We have heard learned senior counsel for the appellant, learned counsel for the first respondent-State and learned counsel for the

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respondent-accused(s) at length. We have also perused the material on record.

13. Appellant's counsel made a two-fold submissions: firstly, he drew our attention to the impugned order and contended that the impugned order is lacking in reasons for granting relief of bail to the respondents herein inasmuch as paragraph 12 of the impugned order only records the submissions in a cryptic manner, the reasoning given in paragraphs 13 and 14 and consequently, the relief of bail was granted to the respondents herein.
14. He further submitted that the reasons are erroneous inasmuch they do not make merit a case for grant of bail. In this context, it was submitted that the respondents have been, *inter alia*, alleged to have committed the offence under Section 302 IPC, the manner in which the offence was committed itself is gruesome and was planned and executed in a manner which reflects that there was a criminal conspiracy amongst the accused.
15. The Sessions Court rightly declined to grant bail and the respondent-accused(s) were in jail for a period of one year and eight months; the chargesheet had been filed and the supplementary chargesheet had also been filed. However, there was a challenge made in the High Court in another proceeding which has stayed the trial itself. He therefore, contended that on the one hand, the respondents-accused have been granted the relief of bail and on the other hand, there is a stay of trial. The said orders would require interference at the hands of this Court inasmuch as the respondents herein have criminal antecedents and they are not entitled to the relief of bail having regard to the manner in which the deceased was put to death. He, therefore, submitted that the impugned order may be set aside and consequently, the grant of bail may be cancelled.
16. Learned counsel for the first respondent-State with reference to his counter affidavit contended that the State is supporting the case of the appellant-complainant herein and therefore, having regard to the merits of the case, appropriate orders may be made in these appeals.
17. Learned counsel for the respondent-accused(s) submitted that the High Court has rightly identified the reasons as to why the respondent-accused(s) are entitled to the relief of bail, the fact the accused themselves carried the deceased to the hospital and saw to it that he was given treatment immediately which shows that there was no

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criminal intent in their mind; they further submitted that the High Court has recorded in detail the submissions of the learned counsel for the respective parties and has come to a right conclusion and hence there is no merit in these appeals and the same may be dismissed.

18. We have given our consideration to the arguments advanced at the bar and we have perused the material on record.
19. We note that, *inter alia*, the respondent-accused (s) have been alleged to have committed the offence under Section 302 of the IPC. It may be a fact that the respondent-accused(s) may have carried the injured victim, who later died, to the Hospital but he was actually brought dead to the hospital. This fact will have to be considered *de hors* from the fact as to who actually had committed the offence in the first place in the instant case. The trial court has rightly noted the said aspect and declined to grant bail. However, the High Court has set aside the said order and in a very cryptic reasoning has granted the relief of bail.
20. In the circumstances, we find that the order of the High Court calls for interference and therefore, the same is set aside. Consequently, the order of the Sessions Court is restored.
21. Since the respondent-accused(s) have been on bail pursuant to the impugned order dated 14.11.2024, we direct them to surrender before the Court of the Jurisdictional Magistrate or the concerned Police Station on or before 16.06.2025, who will take them into custody.
22. In case of failure of the accused to surrender on or before 16.06.2025, the Police concerned shall take steps to arrest both the accused.
23. In the meanwhile, the respondent-accused(s) shall deposit their passports at the Police Station, Nangal, District Rupnagar on or before 19.05.2025.

The appeals are allowed and disposed of in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

Result of the case: Appeals allowed.

[†]Headnotes prepared by: Divya Pandey