



CRM-M-44577-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH  
227 CRM-M-44577-2024  
Date of decision: 13<sup>th</sup> September, 2024  
Sandeep Kumar @ Sandy

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') seeking grant of regular bail in case bearing FIR No. 92 dated 24.05.2023 registered under Sections 302 read with Section 34 of IPC at Police Station Division No. 6, District Ludhiana.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Mohammad Ali on 24.05.2023 alleging therein that on the same day at about 3:30 PM, he was going towards his house and when he reached near Sudarshan Sweet Shop, he found his brother and the petitioner who was a friend of his brother while quarreling with each other over something. Within his sight, petitioner picked up a knife from the counter of Sudarshan Sweet Shop and hit his

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brother with the same thereby causing injury on the right side of neck of his brother who started bleeding. The complainant rushed for his rescue but in the meanwhile, the petitioner again struck another blow with a knife on his brother and then fled away. His brother immediately succumbed to the injuries. While alleging that the petitioner was under the influence of liquor at that time, he prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. Post mortem examination of the dead body of the victim was conducted. Petitioner was arrested on 26.05.2023. Presently, he is facing trial for commission of aforementioned offences. He had filed an application for grant of regular bail which has been dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 23.08.2024.

3. It is argued by learned counsel for the petitioner that he is in custody since 25.05.2023. Complainant and one more material witness namely Amit have since been examined and have not supported the prosecution version. Trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by him that keeping in view the severity of the allegations as levelled against the petitioner, he does not deserve to be given benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record



carefully.

6. As per the allegations, as on 24.05.2023, the petitioner while quarrelling with the victim Mohammad Sonu had assaulted him by giving two blows with knife on his person resulting to his instantaneous death and the incident had been eye-witnessed by brother of the victim and by one Amit. The complainant Mohammad Ali and the abovesaid Amit have since been examined before the learned trial Court. Copies of their statements have been placed on record as Annexures P-2 and P-3 respectively. A perusal of the same reveals that the complainant Mohammad Ali did not implicate the petitioner by saying that he did not know as to who had murdered his brother and that he had not seen the occurrence. He was declared hostile and was allowed to be cross-examined by learned Public Prosecutor but no incriminating evidence against the petitioner is shown to have been extracted from his testimony. So far as the testimony of PW-3 Amit Kumar is concerned, though he is shown to have deposed about the presence of the petitioner at the time of occurrence/incidence and about eye-witnessing the incident but stated that the petitioner had tried to save the victim and infact two persons namely Pappu and Arun had caused injuries to the victim with a knife due to which he had died. Keeping in view the nature of the evidence which has come on record in the form of statements of these two material eye-witnesses, the period of incarceration of the petitioner, the fact that trial is likely to take time and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am inclined to hold that the petition deserves to be allowed. Hence, the same is



allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

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

[MANISHA BATRA]  
JUDGE

13<sup>th</sup> September, 2024  
Parveen Sharma

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