



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.45827 of 2024
Date of Decision: 14.11.2024

Pappu Kumar Sha ... 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,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
92	24.05.2023	Division No.6, District Police Commissionerate Ludhiana	302 and 34 of IPC

2. Adumbrated facts as emanating from the record are that on 24.05.2023 on receipt of an information regarding murder of a person having taken place near Sudarshan Sweet Shop, Saua Road Giaspura, Ludhiana, a police party rushed there and found the dead body of the victim Mohammed Sonu to be lying there. Mohammad Ali, brother of the victim who was present at the spot recorded his statement alleging therein

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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 the accused Sandeep Kumar @ Sandy while quarrelling with his brother Mohammad Sonu inside the shop. Within his sight, accused Sandeep Kumar picked up a knife from the counter of the shop and hit his brother with the same thereby causing injuries on his neck. His brother fell down. The complainant rushed for his rescue but the victim immediately succumbed to the injuries and died. He alleged that the accused Sandeep Kumar was in a state of intoxication and also disclosed that the present petitioner and co-accused Arun was also present there at the time of occurrence.

3. As per the further allegations, the accused Sandeep Kumar @ Sandy was arrested. He suffered a disclosure statement that the victim had slapped the petitioner and Arun Kumar as they had refused to serve food to the victim and had told him to leave the shop and an altercation had taken place between him and the victim. The accused Arun Kumar was arrested on 25.05.2023. He too suffered a disclosure statement to the effect that the victim had slapped the petitioner and a quarrel had taken place between them. He further disclosed that the petitioner had caught hold of the victim from behind and then he (Arun Kumar) had struck 2-3 blows with a knife on the neck of the victim. The petitioner was arrested on 25.05.2023. He too suffered a similar disclosure statement. Investigation has since been completed and the petitioner along with the co-accused Arun Kumar and Sandeep Kumar @ Sandy is facing trial for commission of the aforementioned offences. He had moved an application for grant of regular

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bail which was dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 23.08.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of alleged disclosure statement of the co-accused and his own disclosure statement. He was not named as an assailant in the complaint by the complainant. The complainant and other material witnesses have since been declared hostile and have not implicated him in commission of subject offences. He is in custody since 25.05.2023. The trial is likely to take time. No useful purpose would be served by keeping him in custody any more. The co-accused Sandeep Kumar @ Sandy has already been extended benefit of bail. Therefore, it is urged that he too deserves to be released on bail.

5. Status report has been filed by the respondent-State. Learned State counsel has argued in terms of the status report that there are serious and grave allegations against the petitioner and, therefore, it is urged that he does not deserve to be extended benefit of bail.

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

7. As per the allegations in the FIR, the accused Sandeep Kumar @ Sandy had assaulted the victim on 24.05.2023 with a knife thereby causing his instantaneous death in the presence of the complainant and Amit Kumar. However, the present petitioner and Arun Kumar were nominated as accused subsequently on the basis of disclosure statement suffered by the co-accused as well as statement subsequently recorded by the complainant. The

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petitioner has placed on record Annexures P-3 to P-5 copies of statements of complainant Mohd. Ali and of witnesses Mohd. Tafiq and Rahul Sen and Amit Kumar as recorded before the trial Court. Neither of them is shown to have implicated the present petitioner in the commission of offence of murder of the victim. The complainant Mohammad Ali, on the other hand, is shown to have stated that he had not seen the occurrence and did not know as to who had committed the murder of the victim. During cross-examination, he is shown to have denied that the petitioner had murdered his brother. Similarly, witnesses Mohd. Tafiq, Rahul Sen and Amit Kumar also did not say anything to connect the present petitioner with the murder of the victim. The material witnesses as such have not supported the prosecution version. Keeping in view the nature of the evidence which has come on record in the form of testimonies of the complainant and other material witnesses coupled with the fact that the trial is likely to take time and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

14.11.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No