



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

387

CRM-M-45232-2024 (O&M)
Date of decision : 06.11.2024

Amit Kumar Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rajesh Gupta, Advocate
for the petitioner.

Mr. Manmeet Singh Teji, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. This is the second petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.80 dated 31.05.2021, registered for the offences punishable under Sections 302 and 34 of IPC at Police Station Division No.7, Police Commissionerate, Ludhiana.
2. FIR was registered at the behest of Ravi Kumar brother of the deceased who alleged as under:-

“xxxx Stated that I reside at above mentioned address alongwith my family. We are four siblings. I am eldest, younger to me is Deepak Kumar, younger to him is Karan and younger to him is sister Vishali. I used to work at Railway Station as Paedar. Now I stay at home being unwell. I am married and I have a daughter aged four years old. Both my younger brothers stay with my parents at House no. 1525, Sanjay Gandhi Colony, Chandigarh Road, Ludhiana.



Today at 9 P.M. I had gone to the house of my bothers to meet them, then at about 10.00 P.M. my brother Karan aged about 19 years, who is yet to get married, after having meals had gone out to take a stroll, I was following him, then near Gopal Mandir one Esteem car stopped. In that car Amit Kumar and his brother Ravi sons of Satpal were present, who resides in our mohalla. Alongwith them one more young person was there whom I can recognize on being confronted. Amit Kumar alighted from the car holding baseball, who immediately on alighting told my brother Karan that he had called names to his brother while playing a cricket match, then my brother admitted the same, then Amit Kumar exhorted his brother Ravi Kumar and another person who had come with them and asked them to catch hold of Karan and we will teach him a lesson for calling names to his brother. Then Ravi Kumar caught hold of my brother from both his arms and Amit Kumar hit on the right side of head of my brother with the baseball which he was holding in his hand. Because of this my brother Karan fell on the road. When I raised alarm by saying 'killed, killed' then they fled from the scene alongwith car and baseball. I took my brother Karan Kumar to Dev Hospital at Sectot-32, Ludhiana after arranging a vehicle. There Dr. on seeing the condition of my brother being critical advised to take him to CMC. Then I took brother to CMC Hospital. There doctors declared my brother being dead. Amit Kumar alongwith his brother and another young person accompanying them in collusion with each other killed my brother by giving a blow of baseball on his head. I have seen this occurrence. Appropriate legal



action be taken against them. Today you have met me at CMC Hospital. I have got recorded my statement with you, heard it, it is correct. SD/- Ravi Kumar.xxx”

3. As per the case of the prosecution, baseball bat was recovered on the disclosure made by the petitioner. However, counsel for the State on instructions submits that the said baseball bat was never sent to forensic examination. So far as the complainant/eye witness Ravi Kumar is concerned, it is also not disputed that he appeared before the Trial Court as PW-4 and has not supported the case of the prosecution. His testimony has been placed on record as Annexure P-3.
4. Petitioner is behind bars for more than 03 years and 05 months. The material witness already stands examined.
5. Keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

06.11.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No