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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48035-2024 (O&M)
Date of decision : 02.12.2024

Pratham Kumar

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. S.S. Sandhawalia, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner under Section 483 BNSS praying for grant of regular bail in case FIR No.53 dated 19.02.2024, under Sections 302, 307, 450, 148, 149, 380 and 411 IPC, registered at Police Station City Faridkot, District Faridkot.
2. Succinctly the facts of the case are that Amarjeet Kaur mother of the deceased-Parminder Singh had lodged a complaint before the Police on the allegations that her husband who retired from Electricity Board, died in 2011. She had three children i.e. Jaswinder Singh, Parminder Singh and Naib Singh. She was residing with Parminder Singh. On 18.02.2024, Sandeep, Maini, Sunil, Goru Bacha along with 8-9 unknown persons duly armed with sword, baseball and rods at about 8:15-8:30 PM with intention to kill them, entered the house. Thereafter, Sandeep raised Lalkara and they caused injuries with Sword blows on the head of her son Parminder Singh. They also inflicted injuries on her daughter-in-law, namely, Manpreet Kaur. On raising the alarm, they escaped along with their respective weapons. Injured-Parminder Singh and his daughter-



in-law were admitted in the hospital Faridkot. However, Parminder Singh died. Request was made to take the legal action against the accused persons and FIR was registered. On registration of FIR, the investigation commenced. The petitioner was named in the supplementary statement made by the injured-victim which was recorded on 19.02.2024 and the petitioner was implicated as an accused in the FIR. He was arrested by the investigating agency on 21.02.2024. Thereafter, petitioner approached the Learned Judge, Special Court, Faridkot praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Ld. Judge, Special Court, Faridkot vide order dated 06.09.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner is neither named in the FIR nor there is any injury attributed to him. He submits that after the registration of the FIR, the supplementary statement of the injured/victim was recorded on 19.02.2024 and at this point after due deliberations, the petitioner was arrayed as an accused. He submits that even otherwise the allegations made against the petitioner that he was the part of unlawful assembly, however, there is no overt act attributed to the petitioner. To buttress his arguments, he has submitted that the complainant and the injured-victim who were the alleged eye-witnesses, namely, Amarjeet Kaur and Manpreet Kaur, both have been examined by the trial Court as PW-1 and PW-2. He submits that both these witnesses have failed to identify the petitioner as the accused and thus, both of them have been declared hostile. He submits that once both the eye-witnesses have not identified the petitioner as a participant in the occurrence, his false implication is writ large. He submits that investigation is complete, charges are framed and the learned trial Court has already proceeded with the examination of the prosecution witnesses. It is submitted that the petitioner is



a young boy of 19 years of age and he has no criminal antecedents. He submits that in the overall facts and circumstances, the petitioner deserves the concession of bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the case of the prosecution is based on the eye-witness account. Though both the eye-witnesses i.e. PW-1 and PW-2, have been declared as hostile, however, the case of the prosecution cannot be doubted only on account of the same. He submits that the petitioner was part of the unlawful assembly and he had played an active role in the occurrence. He, on instructions, has submitted that the petitioner is behind bars from the date of his arrest. He submits that the petitioner is involved in one more case, however, he is on bail in that case.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence had taken place on 18.02.2024 and the FIR was registered on the statement of the complainant-Amarjeet Kaur and the petitioner was named in the FIR on the basis of the supplementary statement of the injured-victim recorded after the registration of the FIR. Even otherwise the case of the prosecution does not specifically disclose that the petitioner was armed with any weapon or he has caused any injury to anyone. Besides this, both the eye-witnesses have not supported the case of the prosecution.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the



present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

02.12.2024
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No