



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-260-2025

Date of decision: 09.07.2025

Kewal Masih @ Sunny

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab
assisted by ASI Wilson Waris.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.217 dated 17.07.2023 under Sections 302/406 of the IPC (Sections 201 and 34 of the IPC added lateron) registered at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.

2. Short reply by way of affidavit of Arvind Meena, IPS, Assistant Commissioner of Police, North, Amritsar, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that the petitioner has been in custody since 17.07.2023 in a case based entirely on circumstantial evidence; the petitioner was arraigned as an accused



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on the basis of statements made by PW Gurwinder Singh and Hardeep Singh, who stand examined; both these prosecution witnesses Gurwinder Singh and Hardeep Singh overheard a conversation between the accused, including the petitioner qua their plan to loot the house of the deceased. Learned counsel has submitted that even otherwise the only role attributed to the petitioner, though totally false and fabricated, is not of having inflicted any injury much less fatal upon the deceased, but of only standing guard outside the place of occurrence while the co-accused carried out the crime inside the house of the deceased. It has been submitted that identically placed co-accused Lovepreet Singh @ Katla has since been extended the concession of bail by this Court vide order dated 23.09.2024 and hence, on parity, the petitioner also deserved a similar relief.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he disputed that the entire case of the prosecution hinges on circumstantial evidence coupled with the fact that 02 material witnesses PW Gurwinder Singh and PW Hardeep Singh already stand examined. It has also not been disputed that the petitioner has not been attributed any injury much less fatal upon the deceased and the only role qua the petitioner which surfaced during interrogation of the co-accused is that of having stood guard outside the place of occurrence when the crime in question was being carried out by the co-accused.

5. I have heard learned counsel for the parties and perused the



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material placed on record.

6. Before proceeding further, it would be apposite to reproduce the FIR, which reads as under:-

“Statement of Anarica Singh wife of Gaurav resident of house no. 70, Friends Colony, Patel Chowk, P.S. Division No. 2, Pathankot, aged around 37 years, mobile no. 70870-88507. Stated that I am resident of above mentioned address and my marriage has taken place with Gaurav in the year 2009. We are two sisters, I am elder one and younger to me is Anjouri who lives in Nirvana Green 4, Kharar and there are two brothers, out of whom the elder one name is Mayank Sodhi and younger to him is Ashirwad Sodhi who both resides in Mumbai and they have got no interaction with us i.e. two sisters and our father Gulshan Singh Sodhi for the last 13 years and our mother Amarpreet Kaur had obtained divorce from our father in the year March, 2009 and due to the said reason, my father Gulshan Singh Sodhi son of Sh. Pritam Singh has been residing alone in house no. 6148, Gali no. 3, Indira colony in front of Govt. Hospital, Mustafabad, Amritsar and he is aged around 67 years and has been residing at above mentioned address. For the last one and half year back, my father has been suffering from cancer illness and his treatment has been through Hommie Bhabha Cancer Hospital, Mullanpur District Mohali and for his care taking and for preparation of his meals, Raj Kaur wife of Satnam Singh, resident of Gali No. 6, Indira Colony, Mustafabad was engaged. Since our father has been suffering from illness was not keeping well therefore, we both sisters had been telephonically checking about his health and today my father had to go for chemo therapy to Hommie Bhabha Cancer Hospital Mullanapur and with respect to that my sister Anjeri had telephonically talked with him and our father had told us that he has sold a house near our house and payment of Rs. 2 lakh was received and rest of the payment would come by Saturday. Today in the morning at about 10.30 am my paternal aunt's son (bua's son) Wattan Sodhi son of Gurwinder Singh Sodhi resident of Gali No. 3 Indira Colony Mustafabad Amritsar made a telephonic call while mentioning that in the morning Raj Kaur had come for doing the household work at your father's house and when after opening the outer main gate, she went inside the house then your father Gulshan Singh Sodhi body was lying with blood spread around the said spot which was lying at the bed in his room and the entire articles in the room were spread and thereafter on her sharing



information, I also went inside the room and saw that in the said room, dead body of Gulshan Singh Sodhi was 4 lying fully stained with the blood and the entire articles in the room were spread and even the articles lying in the almirah were lying there over there. Immediately at the same very time, I in the company of my husband Gaurav son of Baldev Raj went from my house situated at Pathankot and now reached at the spot and at the said spot that my father's dead body was lying in his room and there were some grievous injury on his head and there was heavy stain of blood lying on the bed and even the entire articles spread in the room and from the almirah one black colored brief case in which he had kept gold ornaments, cash and property related papers was missing and even the DVR for the camera was also missing from the house and some other articles were also missing and while getting the said information, I was apprise you about the same. It appears that some unknown persons while entering in the house during night time had hit my father's head with sharp object and had murdered him and they had also taken his ornaments and cash along with the bag and further had committed the theft of DVR also. I had recorded my statement, strict legal action may kindly be taken against the accused persons. I have heard and read over the statement which is correct. Sd/- Anarica Singh 17.07.2023 attested by Jagbir Singh, SI, P.S. Sadar Amritsar dated 17.07.2023.”

7. The instant case is based on circumstantial evidence. Both the material witnesses, including the witness of last seen, stand examined. 24 prosecution witnesses still remain to be examined. In view of the role attributed to the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.



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9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

09.07.2025

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(MANJARI NEHRU KAUL)

JUDGE

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