

2025:PHHC:101514



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.3181 of 2025
Date of Decision: 07.08.2025
Reserved on: 24.07.2025

Rohit Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jagmohan S.Ghuman, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

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 the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
44	18.04.2024	Shahpur Kandi, District Pathankot	302, 148 and 149 of IPC (201 of IPC added later on)

2. Brief facts 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 Rahul Kumar on 18.04.2024 alleging that his younger brother Pankaj Kumar @ Panku was running a

2025:PHHC:101514



hair cutting salon. On the same day, on being called by accused Vinod @ Sonu Dana, Pankaj, one Vikas @ Vicky and he himself had gone to meet him near Baba Peer Dargah. On reaching there, they found the accused Vinod @ Sonu Dana, the petitioner and the co-accused to be present there being armed with weapons. They encircled the brother of the complainant, Vikas @ Vicky and himself. The accused Vinod @ Sonu Dana made an exhortation that Pankaj Kumar should not be left alive and thereafter he struck a blow with datar on the head of his brother. Accused Ranjit Singh struck blows with a sword on the head of his brother. The petitioner and accused Rahul @ Kaka, Anil Kumar @ Ninja, Pawan @ Baba, Manjit Singh and Sanju @ Banda also caused injuries to his brother. His left wrist and arms had deep cuts. The complainant raised alarm and then the assailants fled from the spot. His brother had succumbed to the injuries and had died. After registration of FIR, investigation proceedings were initiated. The postmortem examination of dead body of the victim and inquest proceedings were initiated. The petitioner was arrested and is in custody since 22.04.2024. Presently, he along with the co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific overt act has been attributed to him. The complainant and eye-witness PW-1 Vikas @ Vicky have not identified the petitioner as one of the assailants. He is in custody since 22.04.2024. No useful purpose would be served by keeping him in custody

2025:PHHC:101514



any more. He has clean antecedents. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly and in prosecution of common object thereof, is alleged to have assaulted the victim Pankaj Kumar @ Panku thereby causing his homicidal death. He was named in the FIR but no specific overt act had been attributed to him. The eye-witness Vikas and the complainant Rahul Kumar have been examined before the trial Court. Copies of their sworn depositions have been placed on record as Annexures P-3 and P-4 respectively and a perusal of the same reveals that neither of them implicated the present petitioner in the commission of the subject offences. Both of them are shown to have stated that the petitioner was not named by them and that he was not present at the spot at the time of occurrence. The petitioner is in custody since 22.04.2024. Keeping in view the nature of the evidence that has come on record in the form of testimonies of material witnesses, the period spent by the petitioner in custody, the part attributed to him and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered

2025:PHHC:101514



to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

07.08.2025
manju

(MANISHA BATRA)
JUDGE

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