



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

CRM-M-5595-2025

Reserved on: 24th April, 2025

Pronounced on: 28th April, 2025

Shivam @ Shiva @ Chandan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Sekhon, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 29 dated 03.05.2023 registered under Sections 323, 324, 341, 307, 148, 149 and 506 of IPC (Section 302 of IPC added later on) at Police Station City Morinda, District Rupnagar.

2. The aforementioned FIR had been registered on 03.05.2023 on the basis of statement made by the complainant Rahul Sharma alleging therein that on 30.04.2023, he along with his brother Sahil and cousin Parmod Kumar had gone to old Railway Station, Morinda to make certain inquiries about some train. Parmod Kumar had gone back to his house thereafter and while at about 8:30 PM, the complainant along with his



brother Sahil Kumar was going towards his house and had reached near Garden Colony Park, they were intercepted by 6-7 youths who were already standing there armed with deadly weapons. They wrongfully restrained them and started hurling abuses to victim Sahil Kumar. When the complainant asked the reason for doing so, the accused Rahul, who became offended and struck a blow with *daat* on the head of Sahil with an intention to kill him. Sahil sat down to save himself and the *daat* blow struck against on his abdomen, blood start oozing out of the wound. Then, accused Vishal @ Shahi, Karan Kang and unknown youths accompanying them, struck several blows with sticks on the person of Sahil. The present petitioner, Vishal and Sonu gave fist blows and kicks to Sahil. On clamour being raised by the complainant, all of them had fled while extending threats to kill them. The complainant took his brother to hospital, from where he was referred to PGI, Chandigarh. On his statement, initially a case under Section 323, 324, 341, 307 and 506, 148 read with Section 149 of IPC was registered. Investigation proceedings were initiated. The victim died on 04.07.2023 during the course of treatment. Offence under Section 302 of IPC was added. The petitioner was arrested on 07.05.2023. Investigation has since been completed and challan has been presented in the Court.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific overt act leading to death of the victim had been attributed to him and the only allegation levelled against him was that he had given kicks and fist blows to the victim. In their respective sworn depositions, the complainant Rahul Sharma and witness Parmod Kumar have not implicated the petitioner in the commission of



subject offences at all and both these witnesses have turned hostile. Trial is likely to take considerable time as substantial number of witnesses is yet to be examined. The petitioner has clean antecedents. His further incarceration would not serve any useful purpose. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

4. Status report has been filed by respondent-State. Learned Assistant Advocate General, Punjab, has argued that there are serious and specific allegations against the petitioner and therefore, he does not deserve to be released on bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, the accused Rahul is alleged to have struck a blow with *daat* on the person of the victim, which proved fatal and resulted in his death whereas the petitioner and two other accused are alleged to have given fist blows and kicks to the victim. The petitioner has placed on record Annexures P-5 and P-6, which are copies of sworn depositions of the complainant Rahul Sharma and witness Parmod Kumar examined before learned trial Court as PW-1 and PW-2 respectively. These depositions reveal that both of them did not implicate the petitioner in the commission of offence of murder of the victim or even about his presence at the spot. PW-1 gave a complaint go bye to the version of the prosecution with regard to involvement of the petitioner by saying that he was not present at the spot and had not identified or named by him and he was not involved in the



murder of the victim. PW-2-Parmod is shown to have stated that he was not even present at the place of occurrence and was not aware that the complainant had disclosed the name of the present petitioner. Keeping in view the nature of the evidence which has come on record in the form of statements of these two material witnesses, the period of incarceration of the petitioner coupled with the fact that trial will take time, I am of the considered opinion that the petitioner deserves to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

28th April, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No