



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

CRM-M No.6295 of 2025
Date of decision: 7th February, 2025

Ajay Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ramdeep Partap Singh, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of regular bail under Section 483 of BNSS in case FIR No.148 dated 28.10.2022 under Sections 302, 34 of the IPC registered at Police Station Nangal, District Rupnagar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 28.10.2022 in a case based entirely on circumstantial evidence. As per the prosecution version, on 25.10.2022 at about 7:30 PM, the deceased, husband of the complainant, left his house with Kamal Kishore and returned within half an hour. Thereafter, he left the house again. According to the complainant, at around 9:30 PM, the petitioner, along with another person, Chandrashekhar, brought the deceased home in an inebriated condition, stating that he had been found lying on the village road. Observing injuries on his person and

noting that he had not regained consciousness, the complainant took the deceased to the hospital, where he succumbed to his injuries during treatment.

3. It is contended by learned counsel that the complainant, at the time of lodging the FIR, merely expressed vague suspicion regarding the involvement of Kamal Kishore and others in her husband's death. There is no direct evidence against the petitioner, nor has any motive been attributed to him. Furthermore, there are no allegations suggesting any prior enmity or strained relations between the petitioner and the deceased or his family.

4. Further, the prosecution has relied on the testimony of PW-7, Nishu, the sole eye-witness, who claimed to have seen the petitioner and the co-accused engaged in an altercation with the deceased. However, it is argued that Nishu appears to be a planted witness introduced by the investigating agency to fill gaps in the prosecution's case. Even if her statement is assumed to be true for the sake of argument, she has not alleged that she saw the petitioner inflicting any serious or fatal injuries on the deceased.

5. It is further submitted that the co-accused, Kamal Kishore, who is similarly placed, has already been granted bail by this Court vide order dated 21.11.2024 (Annexure P-2). A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

6. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert the custody period, nor the fact that, as of now, only seven out of seventeen prosecution witnesses have been examined.

He has also not disputed that the case rests on circumstantial evidence, and notably, at the time of registration of the FIR in question, no suspicion was raised against the petitioner. It is also not disputed that the co-accused Kamal Kishore has been granted bail by this Court and that PW-7, the primary witness, has already been examined.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Considering the facts and circumstances, including the prolonged custody of the petitioner, the circumstantial nature of the evidence, the examination of the key prosecution witness, and the parity with the co-accused who has been granted bail, the possibility of an early conclusion of the trial appears remote. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

February 7, 2025

rps

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