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

CRM-M-8083-2025

Date of decision : 18.02.2025

Kulwinder Singh @ Pinda**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate and Mr. Ankit Kundu, Advocate,
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Mr. Joban Singh Dhaliwal, Advocate, for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.42 dated 11.05.2024, registered under Sections 279, 337, 338, 304-A IPC (offence under Sections 302, 120-B IPC added lateron and Sections 279, 337, 338, 304-A IPC were deleted), at Police Station Division No.3, District Ludhiana.

2. Succinctly facts of the case are that FIR in the present case was lodged on the statement of Shashi Kant wife of late Satpal Arora. It was alleged by the complainant that her husband Satpal Arora died about 25 years ago due to heart attack and her younger son Raj Kumar died due to liquor consumption. Her daughter Sweety Arora (deceased) aged 33 years was unmarried. It was alleged that Sweety Arora alongwith Nitin i.e. grandson of the complainant, went to Sufia Chowk, Universal Gym on Activa on 10.05.2024 at about 5:30 a.m. Nitin told the complainant that



when he was standing outside the gym, her daughter Sweety Arora started taking stroll opposite the gym side. When she was about to cross the road, then one vehicle No.PB-09L-2985 Mark Mahindra XYLO of J brown colour, being driven by a Sikh person, came at high speed and in a negligent manner hit her daughter Sweety Arora. Nitin arranged a vehicle and shifted Sweety Arora to Metro Hospital. From there, she was shifted to Fortis Hospital, Ludhiana. After consulting the Doctors, they were taking her to some reputed hospital in Delhi, however, Sweety Arora died on the way. On enquiring, it was found that driver of the vehicle was Ajmer Singh. Request was made to take legal action against the culprits. On the registration of the FIR, investigation commenced. During the investigation, it was found that Lakhwinder Singh @ Lakha, Kulwinder Singh @ Pinda (petitioner) and Ajmer Singh in conspiracy with each other had intentionally hit Sweety Arora to eliminate her and hence, on conclusion of the investigation, challan was presented for the offence under Sections 302 and 120-B IPC. The petitioner was arrested on 18.05.2024. He approached the Court of learned Additional Sessions Judge, Ludhiana, praying for grant of regular bail. However, learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 06.02.2025. Hence, the petitioner has approached this Court by way of filing the present petition praying for grant of regular bail.

3. Learned Senior Counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that as per prosecution, it was an accidental case where the deceased while crossing the road was hit by a fast moving vehicle allegedly being driven by Ajmer Singh. It is submitted



that the FIR was registered for the offence under Sections 279, 337, 338, 304-A IPC. He submits that during the course of investigation, in a deliberated manner, the petitioner was implicated in this case on the allegations of conspiracy to eliminate the deceased, namely, Sweety Arora. He submits that the petitioner had no concern whatsoever with the alleged accident. He submits that as per case of the prosecution, the alleged driver, Ajmer Singh was seen talking to petitioner-Kulwinder Singh @ Pinda in a CCTV footage, on the basis of which petitioner was arrested, who made a disclosure statement about the co-accused, Lakhwinder Singh @ Lakha regarding his illicit relation with deceased Sweety Arora. It was alleged that Sweety Arora was pressurizing co-accused, Lakhwinder Singh @ Lakha for marriage and hence, it was co-accused, Lakhwinder Singh @ Lakha, who got her eliminated. To buttress his arguments, learned Senior Counsel has submitted that complainant Shashi Kant and her grandson Nitin, who was the eye witness, were examined as PW-2 and PW-3, respectively. Both these material witnesses have not supported the case of the prosecution and then were declared hostile. Besides this, Gurmukh Singh, Baljinder Singh and Jajpreet Singh have been examined by the prosecution as PW-1, PW-8 and PW-7, respectively. These three witnesses have also been declared as hostile as they did not support the case of the prosecution regarding the alleged conspiracy hatched by the petitioner with his co-accused. He has submitted that case of the prosecution is a case of no evidence against the petitioner in the facts and circumstances of the present case. He submits that the petitioner is behind bars since 18.05.2024 and he has no criminal antecedents as he has never been involved in any other criminal case. He prays for the grant of bail to the petitioner on the basis of parity with that



of the co-accused, namely, Lakhwinder Singh @ Lakha, who has already been granted bail by this Court vide order dated 30.01.2025 passed in **CRM-M-3484-2025 titled as 'Lakhwinder Singh @ Lakha Vs. State of Punjab'**. It is submitted that in the overall facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by learned Senior Counsel for the petitioner. He submits that though initially the occurrence was found to be an accidental case, however, during the investigation, it came to the surface that the petitioner alongwith co-accused in a well hatched conspiracy had murdered the deceased. However, he submits that material witnesses have not supported the case of the prosecution. He submits that out of 26 prosecution witnesses, 08 witnesses have been examined and 02 witnesses have been given up. He has produced the custody certificate of the petitioner. He has affirmed the fact that co-accused of the petitioner, namely, Lakhwinder Singh @ Lakha, has already been granted bail by this Court vide order dated 30.01.2025 passed in **CRM-M-3484-2025**. He has, thus, submitted that no case for the grant of bail is made out.

5. Learned counsel for the complainant has also vehemently opposed the submissions made by learned Senior counsel for the petitioner and has stated that the petitioner is involved in a heinous crime and as such he is not entitled to be released on regular bail.

6. The Court has heard counsel for the parties and perused the record with their able assistance. It is deciphered from the submissions made that in the alleged occurrence, daughter of the complainant died while being hit by a vehicle on 10.05.2024. Initially, the FIR was



registered for an accidental case, however, during the investigation on the disclosure statement of co-accused, complicity of co-accused, Lakhwinder Singh @ Lakha and petitioner was found to be of the conspirator. Hence, challan was presented under Section 302 and 120-B IPC. The material witnesses have been examined by the prosecution as PW-1 and PW-2, PW-3, PW-7 and PW-8 including the mother of the deceased i.e. complainant and the eye witness Nitin. The depositions of these witnesses have been placed on record, which would show that all these witnesses have not supported the case of the prosecution and have been declared hostile. Out of 26 prosecution witnesses, 08 witnesses have been examined so far. The custody certificate of the petitioner placed on record would show that the petitioner has suffered incarceration of 08 months and 24 days as on 17.02.2025. It further reveals that the petitioner is not involved in any other case. Other co-accused of the petitioner, namely, Lakhwinder Singh @ Lakha, has already been granted bail by this Court vide order dated 30.01.2025.

7. The Court would refrain itself from commenting anything on merits of the case as the same would lie in the domain of the trial Court. Rival contentions raised by counsel for the parties would be assessed by the trial Court only on weighing the evidence led by both the sides. However, in the overall facts and circumstances, it is apparent that the material witnesses already stand examined and they have not supported the case of the prosecution. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned Senior Counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. 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.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.02.2025
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(RAJESH BHARDWAJ)
JUDGE

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