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

**CRM-M No.9329 of 2025
Date of Decision: 08.04.2025
Reserved on: 27.03.2025**

Kulwant Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Dhot, Advocate and
Mr. Gurvinder Singh Mehta, 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 DDR No.17 dated 05.06.2024 registered under Sections 323, 324, 506, 148 and 149 of IPC (Section 302 of IPC added later on) at Police Station Machhiwara, Khanna, District Ludhiana, having arisen out of FIR No.77 dated 05.06.2024 registered under Sections 323, 324, 427, 506, 148 and 149 of IPC at Police Station Machhiwara, Khanna, District Ludhiana
2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR No.77 was registered on the basis of statement recorded by Kulwinder Singh son of Bahadur Singh

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alleging that on 01.06.2024, his father had parked his bus outside their house. At about 9:30 PM, the persons named as accused therein, had reached outside his house and started hurling abuses to his father and himself and extended threats. When they tried to stop them, they opened an assault upon his father Bahadur Singh and himself. Gurinder Singh @ Rinku struck a blow with axe on his head due to which he had fallen down. The remaining assailants extended beatings to his father and himself. Clamour raised by them attracted his uncle Kulwant Singh i.e. **the present petitioner** and his son Amrit Singh, both of whom tried to rescue Kulwinder Singh and his father but they too sustained injuries at the hands of the assailants. All the injured were taken to hospital but even at that time, the assailants threw brickbats and damaged their car.

3. On the same day, a **DDR No.17** was registered on the basis of statement recorded by Jaskaran Singh who was nominated as accused in FIR No.77 and who alleged that the present petitioner along with the co-accused had assaulted them on 01.06.2024 and that the accused Amrit Singh, Kulwinder Singh and Gagandeep Singh by driving an I-20 car had run over victim Dilbag Singh whereas the present petitioner had inflicted the injuries with a stick on his back. Dilbag Singh had succumbed to the injuries sustained by him. Offence under Section 302 of IPC was added in DDR No.23. The petitioner was arrested on 06.06.2024. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that it is a case of version and cross version. Initially, the FIR was registered on the basis of

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statement of Kulwinder Singh a member of the party of the petitioner and the cross case was registered against the petitioner and others on the basis of statement of Jaskaran Singh. The eye-witnesses Jaskaran Singh, Harnek Kaur, Pardeep Singh and Gurinder Singh stand examined before the learned trial Court and none of them has implicated the petitioner in the commission of subject crime and has not attributed any role to him qua death of Dilbag Singh. It is further submitted that the petitioner is in custody since last about 10 months. The trial would take considerable time to conclude. His further incarceration would not serve any useful purpose. Therefore, it is argued that he deserves to be released on bail.

5. Status report has already been filed. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

6. This Court has considered the rival submissions.

7. Learned counsel for the petitioner has drawn the attention of this Court to the statements of Jaskaran Singh complainant of DDR No.17 and of PW-3 Harnek Kaur, PW-5 Pardeep Singh and PW-6 Gurinder Singh who are injured and eye witnesses in the DDR No.17. A perusal of the contents of their sworn depositions show that neither of them implicated the present petitioner in commission of offence of murder of victim Dilbag Singh or causing injuries to any other member of the complainant party. Rather all of them are shown to have stated that no injuries were sustained by them at the hands of the petitioner and the other co-accused nor they

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could identify him. All of them are shown to have denied even witnessing any occurrence. In this manner, they have given a total go-bye to the prosecution case. No other material witness of the prosecution remains to be examined. Keeping in view the nature of the evidence which has come on record in the form of testimonies of the above discussed witnesses, the period of incarceration of the petitioner and attendant facts and circumstances but without meaning to make any comment on the merits thereof, this Court is of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered 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.

08.04.2025
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(MANISHA BATRA)
JUDGE

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