

CRM-M-13336-2024
CRM-M-21188-2024 (O&M)

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221/222

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Date of decision:-03.03.2025

1. CRM-M-13336-2024

KUSHAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

2. CRM-M-21188-2024 (O&M)

VISHAL KOHAL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Suvir Sidhu, Mr. Satinderpal Singh, and
Mr. Harlove Singh Rajput, Advocates,
for the petitioner in CRM-M-13336-2024.

Mr. Gaurav Partap Singh Pathania, Advocate,
for the petitioner in CRM-M-21188-2024 (O&M)

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J.(ORAL)

CRM-8460-2025 in CRM-M-21188-2024

1. The instant application under Section 528 of Bharatiya Nagarik
Suraksha Sanhita, BNSS 2023 is for placing on record statements of PWs as
Annexure A-1.



2. Application is allowed, as prayed for, subject to all just exceptions. Statements of PWs annexed with the application are taken on record as Annexure A-1.

Main cases.

1. Both the bail petitions arising out of the same FIR are taken up together for disposal.
2. The instant petitions have been preferred by the petitioners under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
41	20.05.2023	307, 458, 323, 324, 326, 148 and 149 IPC (302 and 449 added later on)	Shahpur Kandi, District Pathankot

3. Arguments heard.
4. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent, and have been falsely implicated in this case. They contend that the FIR was registered on the statement of complainant who happens to be the wife of the deceased. The allegations levelled against the petitioners are qua inflicting fist and kick blows to the deceased and are not alleged to have given fatal injury and the petitioners Kushal Singh and Vishal Kohal are in custody since 29.06.2023 and 20.05.2023 respectively. The material witnesses have since been examined including both the complainant and the eye witness who have not supported the case of the prosecution against the petitioners. They contend that out of 26 witnesses cited by the prosecution 10 witnesses including the material



witnesses have already been examined. They referred to the the statements of PW-1 Sheetal, wife of the deceased and also PW-4 Aryan son of the deceased, PW-5 Munish Kohal eye witness to submit that none of them have lent any support to the case of the prosecution and have failed to identify the accused present petitioners to be the persons who had caused injuries to the deceased. They submit that the similarly placed co-accused Prince @ Sanam Kohal has already been granted concession of regular bail vide order dated 14.01.2025 passed in CRM-M-310-2025, hence prayed for grant of regular bail to the petitioners.

5. *On the other hand*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by submitting that petitioners are involved in the murder of the deceased, as such deserve no linency, as specific role has been attributed to them of having given fist and kick blows on the person of the deceased.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered by the complainant Sheetal qua the murder of her husband Dharinder Singh wherein petitioners were nominated alongwith other co-accused. It is not disputed that the attribution to the petitioners is that of giving kick and fist blows on the person of the deceased which however have not been corroborated by the material witnesses while appearing in the witnesses box as stated above. Admittedly all the material witnesses examined by the prosecution have turned hostile and have failed to identify the petitioners as the culprits. It is also not disputed that no fatal injury has been attributed to the petitioners and they are



in custody since 29.06.2023 and 20.05.2023 respectively. After completion of investigation, challan has already been presented in Court wherein 26 witnesses have been cited by the prosecution and till date only 10 witnesses have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioners will take sufficient long time.

7. Considering the fact that none of the material witnesses have uttered anything against the petitioners connecting them with the commission of murder of the deceased and also the fact that 16 witnesses yet remain to be examined by the learned trial Court, no purpose would be served by detaining the petitioners in custody any longer. Therefore, without commenting on the merits of the case, both the present petitions are allowed. The petitioners are ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the county without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Photo-copy of this order be placed on the connected file.

(SANJIV BERRY)
JUDGE

03.03.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |