



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

218-2

CRM-M No.14516 of 2025 (O&M)

Reserved on :04.09.2025

Pronounced on: 08.09.2025

Kulwinder Singh @ Kulwinder Salaria @ Sethu**.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Argued by:** Mr.Gaurav Partap Singh Pathania, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. In Police Station Shahpur Kandi District Pathankot one FIR, i.e. FIR No. 41 dated 20.05.2023, had been lodged for the commission of offence punishable under Sections 307, 458, 323, 324, 326, 148 and 149 IPC. However, on account of death of injured Dharinder Singh the above mentioned FIR was later on converted into FIR for the commission of offence punishable under Section 302 and 449 IPC. The petitioner is being prosecuted for the commission of above mentioned offence and he has been arrested. The petitioner is still in custody and, therefore, praying for bail.

2. Briefly stated that the facts emerging from the record are that the abovementioned FIR came into being on the statement of complainant Sheetal wife of Dharinder Singh. In her complaint she stated that on 19.05.2023, at about 9.40 P.M her husband called her on mobile phone, and told that petitioner and Tillu residents of village Khanpur were quarreling with him.



According to above named complainant when she along with her neighbour Munish Kuhal rushed to the shop of her husband, she saw that her husband was inside the shop and 5-6 young boys arrived there on scooty & motorcycle. As per complainant the petitioner was one of them and he was riding on a motorcycle. The complainant further alleged that the petitioner exhorted to teach a lesson to Dharinder Singh and thereafter they all launched attack upon him with the help of their weapons. According to complainant Dimpal @ Kannu injured the head of her husband with the help of iron grip, Rinka & Rinku @ Tillu hit on the head of her husband with the help of a glass bottle and Prince, Vishal and Kushal thrashed him with the help of fist blows and kicks. It was also alleged by the petitioner that when her husband cried for help all the assailants fled from the spot. As per complainant thereafter she shifted her husband to the hospital where the injuries suffered by her husband were declared to be dangerous to life and later on her husband succumbed to above mentioned injury.

3. Heard.

4. It has been contended by learned counsel for the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime and that he has been falsely implicated in the present case. According to learned counsel for the petitioner the injury responsible for the death of victim has not been attributed to the petitioner and, therefore, the petitioner is not liable for the death of Dharinder Singh.

5. In addition to above, it has also been highlighted by learned counsel for the petitioner that the petitioner has already suffered sufficient



incarceration for being in custody for a period of more than 2 ¼ years. According to learned counsel for the petitioner all the material witnesses including the alleged eye-witnesses have already been examined as PW-1, PW-4, PW-5, PW-6 and PW-7, respectively. As per learned counsel for the petitioner any of the above named witnesses has not supported the prosecution case with regard to involvement of accused in commission of offence. According to learned counsel for the petitioner, in view of above the petitioner is entitled for be benefit of bail.

6. Learned State counsel has controverted the above mentioned arguments. According to learned State counsel in the present case there are specific allegations of involvement of petitioner in the commission of offence with a common object to kill the deceased and, therefore, the petitioner cannot shy away from the liability for which he has been charged with.

7. According to learned counsel for the petitioner, the petitioner and his co-accused were having a common intention to kill the husband of complainant, and therefore, irrespective of the fact that injury which proved to be fatal for the victim has not been attributed to the petitioner, the petitioner is liable for the acts of his co-accused. According to learned State counsel the direct evidence available against the petitioner and gravity of offence does not warrant concession of bail for him.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, for the decision of present bail application, following are the factors which are relevant for arriving at any conclusion: -



- (1) that the petitioner is already in custody for a period of 2 years 03 months and 8 days;
- (2) that although earlier also the petitioner had been prosecuted for two offences, but they were minor in nature being offence under Section 61 of Excise Act and Section 13 of Gambling Act. As such the petitioner is not facing any prosecution for a serious offence;
- (3) that all private witnesses have already been examined and any of the private witness including the complainant and eye-witness have not supported the prosecution case with regard to involvement of accused in the commission of offence;
- (4) that the investigation in the present case is already complete and nothing is left to be recovered from the possession of accused;
- (5) that the trial is not likely to be concluded in near future;
- (6) that detaining of petitioner in the judicial lock up is not likely to serve any purpose.

10. If cumulative effect of all the above mentioned factors is taken into consideration it leads to a conclusion that the petitioner is entitled for the benefit of bail.

11. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on:08.09.2025

Manoj Bhutani

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