



CRM-M-15429-2025 (O&M)

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

238

CRM-M-15429-2025 (O&M)
Date of decision: 27th May, 2025

Rahul @ Rahul Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.S. Sandhawalia, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 29 dated 03.05.2023 registered under Sections 302, 307, 323, 324, 341, 148, 149 and 506 of IPC at Police Station Morinda City, District Rupnagar.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was initially registered under Sections 323, 324, 307, 341, 148, 159, and 506 of IPC on the basis of statement recorded by the complainant Rahul Sharma alleging that on 30-04-2023, he along with his younger brother Sahil Kumar and Pramod Kumar had planned to go to Sri Amritsar Sahib. They had gone to railway station Morinda, to know about the timings of the train for going to Amritsar. While returning, Pramod Kumar had gone to his house, whereas, the complainant along with Sahil



Kumar was going towards his house. On the way, 6-7 youths intercepted them. They were armed with weapons. They started giving abuses to Sahil and when the complainant asked the reason, one of those youths namely Rahul, i.e. the present petitioner was in rage and he struck a blow with a *daat*, which hit the neck of Sahil. Blood started oozing out of the wound. Sahil had fallen down. Then, the co-accused Vishal, Karan Garg and other youths, unknown to the complainant, also opened an assault upon Sahil and caused injuries to him by sticks and by giving kicks and fist blows. On clamour being raised by the complainant, they fled away with their respective weapons and by extending threats. The injured was rushed to the hospital. On 04-07-2023, he died during treatment due to the impact of injury so sustained. Offence under section 302 of IPC was added. Investigation proceedings were initiated. The petitioner was arrested on 07.05.2023. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The complainant Rahul Sharma has been examined before the learned trial court and has not implicated the petitioner in the offence of murder of the victim. PW-2 Parmod Kumar Kumar, who was also material witness, has not stated anything against the petitioner. He is in custody since 07.05.2023. The trial will take considerable time to conclude since only two witnesses have been examined. He has clean antecedents. His further detention would not serve any useful purpose. With these broad submissions, it is urged that he deserves to be released on bail.



4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab, that keeping in view the gravity of the allegations, the petition does not deserve to be allowed.

5. Rival contentions raised by learned counsel for the parties have been considered.

6. The petitioner is alleged to have formed membership of unlawful assembly with the co-accused and in pursuance of common object thereof to have assaulted the victim Sahil who had succumbed to the injuries so sustained by him. As per the allegations, the petitioner had struck blows with a *daat* on the person of the victim. The complainant, Rahul Sharma, has been examined before the learned trial Court. A copy of his sworn deposition has been placed on record as Annexure P-11, and a perusal of the same reveals that in his examination in chief as recorded on 10-10-2024, he had supported the prosecution version and had made specific deposition that the petitioner had attacked his brother. He did not, however, attribute any injury to the co-accused. Annexure P-5 is copy of a cross-examination of the complainant, which has been kept on record and a perusal of the same reveals that during cross-examination, the complainant took a somersault and stated that the petitioner was not present at the spot and that he had made his earlier statement due to police pressure and his signatures were obtained on blank papers. He is also shown to have been cross-examined by a learned Assistant Public Prosecutor but still denied that the petitioner had caused injuries to the victim in his presence. As per the post-mortem examination report, the death of the victim had occurred due to spinal injury and it is complications, which were ante-mortem in nature and sufficient to



cause death in-ordinary course of nature. The complainant might have made self-contradictory statement at different points of time, while recording his sworn deposition before the learned trial court, however, it is only after thorough assessment and evaluation of his testimony that the trial Court would arrive at a decision about the involvement of the present petitioner. There are serious allegations against him. He was not only named in the FIR, but specific act had also been attributed to him. In such circumstance, merely because of the fact that the star witness of the case, has changed his version during cross-examination, that had been conducted later on, this court is of the opinion that benefit of bail cannot be granted to the petitioner. The allegations against him are quite serious in nature. The trial is going at a proper pace, and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the gravity of the allegations as levelled against the petitioner, quantum of sentence which the conviction may entail and the attendant facts, but without meaning to make any comment upon the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th May, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*