



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

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CRM-M-15160-2025

Date of decision: 14th May, 2025

Kulwinder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anupam Bhanot, Advocate for the petitioners.

Ms. Pooja Nayar Sharma, Deputy Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

1. The present petition has been filed by the petitioners 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 the present petitioner Kulwinder Singh 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 (petitioner No.2) 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 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 petitioner by driving an i20 car along with co-accused Gagandeep Singh, Amrit Singh had run over the victim Dilbagh, who had succumbed to injuries by him, whereas, the petitioner Dilbagh had assaulted him. Offence under Section 302 of IPC was added by entering DDR No.23. The petitioners were arrested. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioners that it is a case of version and cross version. Initially, the FIR was registered on the basis of statement of petitioner and the cross case was registered against the petitioners 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 petitioners in the commission of subject crime and has not attributed any role to them qua death of Dilbag Singh. It is further submitted that the petitioners are in custody since last about 10 months. The trial would take considerable time to conclude. Their further incarceration would not serve any useful purpose. The co-accused Kulwant Singh has been extended benefit of bail. On parity, the petitioners too deserve to be given same benefit. Therefore, it is argued that petition deserves to be allowed.

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 petitioners, they do not deserve to be extended benefit of bail.

6. This Court has considered the rival submissions.

7. The petitioners have placed on record Annexure P-3 to Annexure P-5 which are copies of sworn depositions of complainant/PW-2 Jaskaran Singh, PW-4 Harnek Kaur, PW-5 Pardeep Singh and PW-6 Gurinder Singh as recorded before the learned trial Court. A perusal of these depositions shows that neither of them has implicated the present petitioner in the commission of offence of murder of the victim Dilbagh Singh and 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 could identify him. All of them are shown to have denied the factum of 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 petitioners, on parity 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 petitioners deserve to be released on bail. Accordingly, the petition is allowed and the petitioners are ordered to be admitted to bail subject to their furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th May, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No