

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

2025:PHHC:057829



CRM-M-15383 of 2025 (O&M)

DECIDED ON: 2nd May, 2025

Vikas Kumar @ Bona

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE **SANJAY VASHISTH**

Present: Mr. Ashish Soi, Advocate for petitioner.
Mr. Manjinder Singh Bhullar, DAG Punjab.

SANJAY VASHISTH, J (ORAL)

1. The instant third petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Vikas Kumar	179	6.12.2022	302, 34, 120-B IPC 1860	PAU	Ludhiana

2. The allegations in brief are that deceased Vicky was working as a waiter with co-accused Balwinder Yadav and Balwinder Yadav withheld his wages worth Rs.5500/- and deceased was time and again asking his employer Balwinder Yadav to pay his wages and on this account, altercation took place between them. That on 05.12.2022 at about 9:30 PM, deceased was present in his house along with complainant Vijay Singh who is his real brother. At about 9:45 PM, both of them went outside their house for

evening walk and when they were passing through street No.3, Krishan Kumar, co-accused Mani Sandhu and petitioner intercepted them. Co-accused Krishan Kumar and petitioner caught hold of Vicky and Mani Sandhu and gave khanjar blow in back of Vicky who fell on the ground and then Vikas and Krishna gave kick and fist blows to Vicky and when complainant tried to intervene, he was also attacked by Mani Sandhu who caused injury on his right leg with khanjar. Thereafter, petitioner, Mani Sandhu and Krishan Kumar left the spot. Later on, Vicky died. There are also allegations that the said murder was planned by Balwinder Yadav who conspired with the aforesaid three accused to kill Vicky. During investigation, the petitioner was arrested.

3. Counsel for the petitioner submits that petitioner was falsely implicated in the present case and was having no enmity with the deceased and that even as per the allegations in the FIR, the petitioner was empty handed and he simply caught hold of Vicky while the fatal khanjar blow was given by co-accused Mani Sandhu and no such fatal injury is attributed to the present petitioner who was stated to have given kick and fist blows to the deceased after he fell on the ground. It is further submitted that the petitioner is incarcerated for the last more than 2 years and 5 months months and is having no criminal history and the material witnesses namely complainant and Sudhir are already examined. It is further submitted that the complainant while appearing in the witness box tried to improve the case of prosecution by stating in the Court that the present petitioner gave datar blow to the deceased at the time of occurrence. However, in his cross examination, when the complainant was confronted he admitted that this fact was not disclosed by him while recording his statement before the police. It is further submitted that it will take time for the trial to conclude

and that the main conspirator Balwinder Yadav is already given concession of regular bail by this Court vide order dated 27.02.2024 Annexure P-5. That in the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel who submits that the present petitioner actively participated in the occurrence and at the first instance, he caught hold of the victim and when the victim fell on the ground, the petitioner gave him kick and fist blow. The State counsel further submits that while appearing in the witness box, complainant stated that at the time of occurrence, the petitioner also gave datar blow to the deceased. However, the State counsel has not disputed the fact that FIR is silent with regard to any such datar blow given by the petitioner. The State counsel has also not disputed the fact that complainant and one another witness namely Sudhir are already examined and it will take time for the trial to terminate and that co-accused Balwinder Yadav is already given concession of regular bail. Learned counsel for the petitioner claims parity with co-accused Krishan Kumar, who has already been granted bail vide order dated 4.3.2025.

5. I have considered the submissions made by counsel for the parties.

6. As per the post mortem report, one stab wound was found on the back of the chest of the deceased and the cause of death was due to shock and hemorrhage due to aforesaid injury on the chest.

7. As per the allegations recorded in the FIR, no fatal is injury is attributed to the present petitioner. Improvement if any made by the complainant in the prosecution case, while appearing in the witness box is to be taken up for consideration at the time of final arguments in the trial.

The petitioner is incarcerated for the last more than 2 years and 5 months and the trial is not likely to be concluded in the near future and co-accused Balwinder Yadav who as per prosecution is the main conspirator is already given concession of regular bail. The exact complicity of the petitioner will be unfolded only at the time of conclusion of the trial. In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner for any longer period.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. Petition stands disposed of.

2nd May, 2025
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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No