

108 (1st case)

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

CRM-M-19269-2025 (O&M)

Date of decision : 16.05.2025

Kanhaiya Kumar @ Kaniya Sahni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Damanjit Singh Sandhu, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS'), for grant of bail pending trial to the petitioner in FIR No.198 dated 28.09.2023, under Sections 302, 323, 324, 120-B and 148 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Machhiwara, District Khanna.

2. Custody Certificate dated 15.05.2025 *qua* petitioner has been produced. The same is taken on record. Copy thereof supplied to the opposite side.

Registry to do the needful.

3. Allegations are that petitioner along with co-accused formed an unlawful assembly and in prosecution of common object of that unlawful assembly, armed with sharp-edged weapons, inflicted injuries on the person of Balram Sahni, son of the *de facto* complainant



(Parmod Sahni) as well as Kundan Kumar and Mister Kumar with their respective weapons, due to which Balram Sahni succumbed to the injuries.

4. Contends that the petitioner is in custody since 29.09.2023; after investigation, final report under Section 173 of Code of Criminal Procedure, 1973 was presented on 21.02.2023; charges were framed on 03.02.2024 and out of total 16 prosecution witnesses, only 06 have been examined so far and none of the prosecution witnesses has supported the charge against the petitioner. Also contends that no other criminal case is pending against the petitioner.

5. Learned State counsel, on instructions from ASI Karnail Singh, is not able to controvert the aforesaid factual position; however, he opposed the prayer on the premise that allegations are serious in nature.

6. Heard both sides and perused the paper-book.

7. There is no dispute that petitioner is in custody since 29.09.2023; final report under Section 173 of Code of Criminal Procedure, 1973 was presented on 21.02.2023; charges were framed on 03.02.2024 and out of total 16 prosecution witnesses, 06 have been examined so far; but none of the five independent witnesses is supporting the charge against the petitioner. Moreover, it is not the objection raised by learned State counsel that in case, petitioner is released on bail, he may influence the remaining witnesses or hamper the course of trial, in any manner. In such a scenario, further incarceration of the petitioner would not serve any purpose.



8. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

16.05.2025

d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No