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

CRM-M-24879-2025

Date of decision : 02.12.2025

Jagdish Ram

....Petitioner

versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. Amit Kumar Goel, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.74 dated 04.06.2024, under Sections 302, 506, 120-B of IPC registered at Police Station Meharban, District Ludhiana.

2. As per the facts of the case, the FIR was lodged on the statement of complainant, namely, Sarabjit Kaur. It was alleged that her father, namely, Sukhwinder Singh was working as a daily labourer. On 02.06.2024, her father along with her brother, namely, Gurpeet Singh were trying to clean the sewerage as the water was over flowing from the sewerage. At about 9:30 PM, Amarjit Kaur with her husband Jagdish (present petitioner), Rani and her husband namely Binder, Bindri, Vickyy, Lucky, Golu and Preet came there and they restrained them from cleaning the sewerage tank. On their resistance, the dispute arose between the parties. Infuriated by the same, Amarjit Kaur slapped the father of the complainant on the face and thereafter, she pushed him forcibly due to which her father fell down on the ground. Amarjit Kaur and Rani raised



lalkara for teaching them a lesson. The complainant's father was beaten and Amarjit Kaur sat on her father's chest when he was lying on the ground. It was further alleged that Bindri caught hold her father and gave forceful blow with brick bat on the head of her father as a result of which he became unconscious. On the next date i.e. on 03.06.2024, the condition of her father got deteriorated and thus, he was shifted to the Civil Hospital, Ludhiana, where he died during treatment. The request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. The postmortem of the dead body was conducted and the petitioner was arrested on 10.12.2024. On completion of investigation, challan was presented. On framing of charges, the trial commenced. The petitioner approached the learned Additional Sessions Judge, Ludhiana, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 17.04.2025. Aggrieved by the same, petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that as per the allegations made in the FIR, the dispute was on account of cleaning of the sewerage pipe. It is submitted that neither the petitioner was armed with any weapon nor he had caused any specific injury to the deceased. He submits that the alleged injury on the head of the deceased has been attributed to the co-accused and not to the petitioner. To buttress his arguments, he submits that complainant-Sarabjit Kaur has been examined as PW-1 and Paramjit Kaur, wife of the deceased, has been examined as PW-2 before the trial Court. It is submitted that both these material witnesses were the eye-witness who

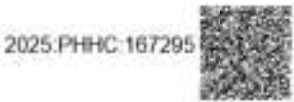


have not supported the case of the prosecution and thus, were declared hostile. It is submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He thus, submits that in the overall facts and circumstances of the present case, petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the petitioner was not only specifically named in the FIR but he had played an active role. He submits that even though the 02 eye-witnesses have not supported the case of the prosecution but the whole testimony of the hostile witnesses cannot be discarded. It is submitted that out of total 15 prosecution witnesses, only 03 witnesses have been examined. He has produced on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was alleged to be a part of unlawful assembly. The postmortem report of the dead body, produced in the Court, would show the cause of death to be shock and hemorrhage on account of the head injury, which was attributed to the co-accused given by a brick bat blow. The custody certificate produced would show that the petitioner has suffered an incarceration of 11 months and 20 days as on 01.12.2025. It further reflects that the petitioner has no criminal antecedents. Both the material witnesses i.e. PW-1 and PW-2 have not supported the case of the prosecution.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.



7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeed in making out a case for the grant of bail to the petitioner. Accordingly, present petition is allowed and petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

02.12.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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