



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

**CRM-M-27790-2025 (O&M)
Reserved on : 23.07.2025
Pronounced on : 29.07.2025**

Kishore Gupta

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Yogesh Goel, Advocate
Mr. Izairra Mittal, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 233 dated 10.09.2023, registered under Sections 302, 148 and 149 of IPC at Police Station Sahnewal, District Ludhaina.

2. The aforementioned FIR was registered on the basis of the statement recorded by complainant Lalan Shah alleging therein that on 07.09.2023 and 08.09.2023, the petitioner along with co-accused and one unknown person had assaulted his wife and himself. His wife had sustained serious injuries and was taken to hospital but succumbed to her injuries during the course of the treatment. He alleged that accused Archana used to throw dirty water in front of their house and on asking her to stop, the petitioner and co-accused had caused injuries to his wife and himself. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim and inquest proceedings were conducted. The petitioner



was arrested on 11.09.2023. He suffered disclosure statement admitting his involvement in the crime and got recovered a bamboo stick used by him to assault the victim. Investigation now stands completed and the petitioner 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. No specific role has been attributed to him. He was not armed with any weapon even as per the allegations. There is delay of three days in registration of FIR. The material witnesses have not supported the prosecution version. The trial will take time to conclude. Co-accused Kiran has been extended benefit of bail by this Court, vide order dated 25.04.2024 passed in ***CRM-M-60070-2024***. On the grounds of parity, the petitioner too deserves the same benefit. It is, therefore, is urged that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof is alleged to have opened an assault upon the victim Manti Devi on 07.09.2023 and 08.09.2023 and is alleged to have caused her homicidal death. The complainant Lalan Shah, who appeared before learned trial Court as PW-1, has not implicated the petitioner in commission of offence of murder of the victim. Rather he is shown to have stated that some unknown persons had entered inside



his house and had inflicted injuries on the person of his wife leading to her death. Similarly, PW-2 Laddu Kumar, brother of the victim is also not shown to have supported the prosecution case. Annexure P-5 is a photocopy of sworn deposition recorded by PW-3 Badal Kumar son of the complainant as well as victim. He is too shown to have stated that his mother had sustained injuries at the hands of some unknown persons and not by the present petitioner and the co-accused. As such, it emerges that material witnesses have not supported the version of the prosecution to the effect that the petitioner was one amongst the persons who had caused homicidal death of the victim. The petitioner is in custody since long. The trial is likely to take time to conclude as many witnesses remain to be examined. Co-accused Kiran has already been granted concession of regular bail by this Court, as mentioned above. Keeping in view the nature of evidence which has come on record, the period of incarceration of the petitioner and the above discussed facts and circumstances, I am of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal/surety bonds to the satisfaction of learned trial Court/CJM concerned.

7. However, it is clarified that the observations made herein above are only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(MANISHA BATRA)

JUDGE

29.07.2025

Waseem Ansari

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No