



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

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**CRM-M No.31077 of 2025
Date of decision : 21.8.2025**

Raman Kumar and another**.....Petitioners****Versus****State of Punjab and another****.....Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Amandeep Sharma, Advocate, for the petitioners

Mr. Jaypreet Singh, DAG, Punjab

Mr. Soheb Dhanda, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioners in case FIR No.12 dated 25.2.2025, under Sections 105/61(2) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Dhariwal, District Gurdaspur.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Jatinder Kumar son of late Hans Raj, resident of Village JapuWal, Police Station Dhariwal, aged about 28 years, mobile number 91499-58787, stated that I am a resident of the above-mentioned address. I am a carpenter. My uncle Hardeep Kumar son of Deva Ram, whose house is situated on the southern side of our house, has hired masons for the construction of his house. His son-in-law, whose name is Sulakhan



@Nikka, resident of Village niwan Dhakaly Police Station Berhampur, was also present at their house. He was working with them as labor. Today at around 1:00 PM, I told one of the masons that the wall they were raising was tilted and asked him to straighten it. At that time, my mother Kishan Devi also came onto the kitchen roof. My mother told me that she would explain it to them. Then my mother told my uncle Hardeep to straighten the wall. At that moment, my uncle's son-in-law Sulakhan @ Nikka threw three bricks from the right side towards us, out of which one brick hit my mother on the head, and she fell down from the kitchen roof onto the floor below. Due to this injury, she died. I arranged for a vehicle and took my mother to Civil Hospital, Gurdaspur, where the doctor declared her dead. I got my mother's dead body placed in the mortuary of Civil Hospital, Gurdaspur. My uncle Hardeep Kumar and his son Raman abetted the act leading to the death of my mother. I have now come to inform you. I have found you here. Legal action should be taken. Statement recorded by Jatinder Kumar.'

3. Learned counsel for the petitioners has argued that petitioner no.1-Raman Kumar is in custody since 25.2.2025 and petitioner no.2-Hardeep Kumar is in custody since 26.2.2025. Learned counsel has further submitted that the petitioners have been falsely implicated into the FIR in question. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the petitioners are only ascribed the role of *lalkara*. The role ascribed, as per the prosecution version, of throwing brick, which resulted into death of deceased Krishna Devi, to Sulakhan @ Nikka. Thus, regular bail is prayed for.

4. Learned State counsel has filed short reply by way of affidavit of Kulwant Singh, PPS, Deputy Superintendent of Police, Sub-Division Rural, District Gurdaspur in Court today. The same be kept on record. While raising submissions in tandem with the reply, learned State counsel



and opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioners does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 20.8.2025 in Court, which is taken on record.

4.1 *Vakalatnama* filed on behalf of the complainant is taken on record.

Learned counsel for the complainant has vehemently opposed the grant of bail to the petitioners by arguing that the allegations leveled against them are serious in nature and there is clear and cogent evidence available in the prosecution version in the challan against the present petitioners. Learned counsel has further iterated that in case the petitioners be released on bail, there is all likelihood of the petitioners to intimidate the witnesses.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioners no.1 and 2 were arrested on 25.2.2025 and 26.2.2025 respectively and are in continuous custody since then. Challan stands presented in the FIR on 16.5.2025. Total 15 prosecution witnesses have been cited but none has been examined till date. It is indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to



indicate the likelihood of the petitioners absconding from the process of justice or interfering with the prosecution evidence.

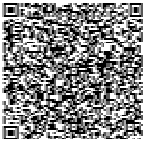
As per custody certificate dated 20.8.2025 filed by learned State counsel, the petitioners no.1 and 2 have already suffered incarceration for a period of 5 months and 24 days & 5 months 22 days respectively & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioners as an undertrial are not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioners shall remain bound by the following conditions:-

- (i) The petitioners shall not mis-use the liberty granted.
- (ii) The petitioners shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioners shall not absent themselves on any date before the trial.
- (iv) The petitioners shall not commit any offence while on bail.
- (v) The petitioners shall deposit their passport, if any, with the trial Court.
- (vi) The petitioners shall give their cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change their cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioners shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the



State/complainant shall be at liberty to move cancellation of bail of the petitioner.

- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

21.8.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No