



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

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**CRM-M No.30402 of 2025
Date of decision : 25.8.2025**

Arun @ Kalesh**Petitioner**

Versus

State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Munish Puri, Advocate and
Mr. Harsh Thakur, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

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 petitioner in case FIR No.31 dated 16.5.2024, under Sections 304 of the IPC, registered at Police Station Division No.1, District Pathankot.
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 Seema wife of Deepak @ Kali resident of Issa Nagar, Pathankot aged about 31 years mobile no.79018-48224. Stated that I am the resident of aforementioned address and does the household work. My marriage was solemnized with Deepak @ Kali son of David resident of Issa Nagar, Pathankot about 17/18 years ago, I have three children's two boys and one girl. My aforementioned husband Deepak @ Kali is aged about 39 years old, was sweeper at Jaswant Hospital, Pathankot. On



dated 07/05/2024, he came home after working at Jaswant Hospital, Pathankot, after eating I and my husband Deepak @ Kali stood outside the house in the street, Ashish son of Raju, resident of Issa Nagar, Pathankot, was also present in the street with us and it was around 08:00 PM when Arun @ Kalesh son of Raj Kumar @ Raju, resident of Issa Nagar, Pathankot, came and started arguing with my husband for no reason. Whom I and my nephew Ashish tried to make him understand and send him to his house, but then Arun alias Kalesh suddenly got angry and pushed my husband Deepak alias Kali who was standing next to me with all his strength, due to which my husband fell down into the street and as a result my husband's head struck against the lid of sewerage, which was a little above the ground level, because of which blood started coming out of my husband's ear. I raised alarm Maar Dita Maar Dita", upon which Arun alias Kalesh ran away from the spot. Upon hearing my noise residents of the mohalla gathered at the spot and we after arranging vehicle got my husband reached at Civil Hospital, Pathankot, where the doctor gave primary treatment to my husband. Since my husband's condition was serious, doctor referred my husband to higher hospital. I along with my family members got my husband admitted to Raj Hospital, Simbal Chowk, Pathankot. On 08/05/2024, after consulting my family members, I admitted my husband to Rajinder Prasad Government Medical College & Hospital, Tanda, District Kangra (HP), during treatment he died on 15/5/2024. His body has been brought from Rajinder Prasad Government Medical College & Hospital, Tanda, District Kangra (HP) and is kept in the Mortuary of Civil Hospital, Pathankot. My husband died due to Arun alias Kalesh son of Raj Kumar alias Raju, resident of Issa Nagar, Pathankot, deliberately pushed him to the ground and causing serious injury to his head by hitting it with a sewer gutter in the street. Legal action should be taken against him. My statement got record, heard and is correctly. Sd/- Aforementioned Seema attested INSP SHO Davinder Prakash, PS Division No. 1 Pathankot Date 16/05/2024.'

3. Learned counsel for the petitioner has argued that the petitioner has 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 petitioner is primarily attributed only one push to the



deceased on account of which the said deceased fell down and his head hit the sewer lid. Learned counsel has further argued that the prime prosecution witnesses namely FIR-complainant as also the eye witness stand examined and thus there is no chance of the petitioner interfering with the substantial evidence. Learned counsel has further argued that the petitioner is a man aged 27 years and is required to take care of his old parents. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply by way of affidavit of Sumeer Singh, PPS, Deputy Superintendent of Police, Sub-Division City, District Pathankot in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner.

Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 23.8.2025 in Court, which is taken on record.

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

6. The petitioner was arrested on 16.5.2024 wherein after investigation was carried out and challan stands presented on 15.7.2024. Total 17 prosecution witnesses have been cited out of which 4 have been examined and 2 have been given up. Thus it is indubitable that conclusion of trial will take its own time. It is not in dispute that the prime prosecution witnesses namely the FIR-complainant as also the eye witness



stand examined. The rival contention of learned counsel for the parties; including the contention as to whether the petitioner has been attributed only the role of giving one push to the deceased; shall be gone into 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 petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 23.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, three months and six days & is not shown to be involved in any other case.

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

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his 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 petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall



not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
(vii) The petitioner 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

25.8.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No