



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107+231

CRM No.580 of 2025 in/and
CRM-M No.39262 of 2024
Date of Decision: 15.01.2025

Dinesh Kumar @ Danish @ Nannu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Suvir Kumar, Advocate,
for the petitioner.

Ms. Swati Batra, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

CRM No.580 of 2025

The application is allowed as prayed for and testimony of the
alleged victim/eye witness Sujal Khanna alias Ashu Khanna as Annexure
P-4, is taken on record.

Main Case

1. The present petition has been filed by the petitioner seeking
regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
214	22.11.2023	Haibowal, District Police Commissionerate Ludhiana	302, 307, 506 and 120-B of IPC

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2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the complaint lodged by the complainant Dhananajay @ Raju alleging therein that on 22.11.2023, the petitioner being accompanied by one unknown had opened an assault upon Rahul son of the complainant and his friend Ashu Khanna while they were present near Khosla Departmental Store. Within the sight of the complainant, the petitioner took out a knife from his pant and struck blow with the same thereby injuring the right arm of Ashu Khanna. Thereafter, he threw the son of the complainant on the ground and struck 3-4 blows with the same on the right side of waist of his son. Blood started oozing from the wound of his son. The complainant rushed for his rescue. The assailant fled away. The injured was taken to the hospital and was declared to be dead. While alleging that his son had been murdered by the petitioner in connivance with his unknown friend, the complainant prayed for taking action in the matter. The petitioner was arrested on 24.11.2023. Presently, he along with the co-accused 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. The complainant and eye-witness/injured have already been examined and have not supported the prosecution case. The complainant has not even identified the petitioner as the assailant of his son, when he stepped into the witness box. A false recovery has been planted upon him. The co-accused Vishal has already

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been extended benefit of regular bail. The trial is likely to take time. The petitioner is a young boy of 20 years. No useful purpose would be served by detaining him in custody any more. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has already been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner. There are chances of his absconding if extended benefit of bail and, therefore, it is urged that he does not deserve to be released on bail.

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

6. The petitioner at the instigation of the co-accused is alleged to have opened an assault upon PW Ashu Khanna and Rahul son of the complainant as on 22.11.2023 and is alleged to have caused the homicidal death of the victim. The complainant and eye-witness Ashu Khanna have since been examined before the learned trial Court as PW-1 and PW-3 respectively. Copies of their sworn depositions have been placed on record which shows that neither of them implicated the present petitioner in the commission of the subject offences. PW-1 Dhananajay is shown to have stated that he did not know anything about the case and his son had died in an accident. He is shown to have categorically denied that the petitioner had caused injuries to the victim and caused his death. Simultaneously, PW-3

Ashu Khanna @ Sujal Khanna is shown to have stated that he had not seen

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the occurrence and further that some muffled face persons had caused injuries to his friend and himself. He too is shown to have exonerated the present petitioner. The petitioner is in custody since 24.11.2023. Keeping in view the nature of the evidence which has come on record in the form of statements of the alleged eye-witnesses, the period spent by the petitioner in custody and the attendant facts and circumstances to the effect that the trial will take time, I am of the considered opinion that no useful purpose would be served by detaining the petitioner in custody any more. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds with surety bonds by two sureties to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

15.01.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No