

2025:PHHC:012919



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.42458 of 2024
Date of Decision: 28.01.2025

Krishan Kumar @ Krishan Nihang
@ Boota ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Verma, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

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

FIR No.	Dated	Police Station	Sections
99	02.09.2023	City-II, Abohar, District Fazilka	302, 148 and 149 of IPC (212 of IPC added later on)

2. As per the prosecution case, on the intervening night of 01/02.09.2023, the petitioner along with co-accused had come outside the house of the complainant Bhajan Lal and asked his son Sunil Kumar to amicably resolve their old dispute after making discussion. The son of the

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complainant agreed to the same and while informing him that he was going along with the petitioner and the co-accused to Azimgarh, he had left the house. The complainant further alleged that the petitioner after taking his son to Azimgarh Singh Sabha Gurudwara started arguing with him. In the meanwhile, the co-accused and the petitioner accompanied by 3-4 unknown persons all of whom were armed with weapons also reached there and opened an assault upon Sunil Kumar and struck blows with iron rods etc. on the person of his son within his sight. His elder son rushed for rescue of the victim but was threatened to be killed. On clamour raised by them, the assailants fled away. The victim was immediately taken to hospital but had succumbed to the injuries. After registration of FIR, investigation proceedings were initiated. The present petitioner was arrested on 02.09.2023. Investigation stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The complainant is a planted witness as his act and conduct at the time of alleged occurrence is quite unnatural and improbable. No specific injury has been attributed to the petitioner. He is in custody since long. The trial is likely to take time as none of the witness has been examined so far. His further detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Status report and custody certificate have been filed by the respondent-State. Learned Assistant 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. The material

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witnesses are yet to be examined and the petitioner may intimidate them. Therefore, it is urged that he does not deserve to be extended benefit of bail.

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

6. The petitioner by forming an unlawful assembly along with the co-accused is alleged to have assaulted the victim with an intention to cause his death and has caused so. Specific allegations have been levelled against him. His active participation in the crime of murder of the victim is prima facie made out from the allegations in the FIR itself. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

28.01.2025
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(MANISHA BATRA)
JUDGE

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