

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:165428



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CRM-M-46502-2025 (O&M)
Date of decision:28.11.2025

Ishwar Chand

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arshdeep Khadial, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.158 dated 02.10.2024, registered under Sections 103(1) 324(4), 5(6), 61(2), 191(3), 190, 189(4) of the BNS, at Police Station Sardulgarh, District Mansa.

2. The aforementioned FIR was registered on the basis of statement got recorded by the complainant – Abhey Ram on 02.10.2024 alleging therein that the Panchayat elections were to take place in village Sardulgarh. Nomination forms for the same were being filled up. He along with other persons was performing the duty of checking the filled forms. Victim Radhey Sham, inhabitant of village Khaira was also checking the

forms with him. On the same night, at about 11:30 p.m., Radhey Sham had left in his car. In the next morning, his dead body was found lying in his car near the sports stadium of his village. The complainant alleged that previously some persons, namely, Akbar Salim, Parveen Kumar, Pramod Kumar and Sunil Kumar had been extending threats to kill the victim and even cases had been filed by these persons against the victim. He also informed that the victim was having animosity with the above named Akbar Salim. After registration of the FIR, investigation proceedings were initiated.

3. As per the further allegations, on 03.10.2024, Tarsem Lal brother of the victim, recorded his statement suspecting that the present petitioner along with some other persons, namely, Vikas Kumar, Ravi Kumar, Mati Dass and Bharat Singh @ Chanan Ram had hand in the murder of his brother. The petitioner along with other persons was nominated as accused. He was arrested on 23.10.2024 and suffered a disclosure statement admitting his involvement in the crime and got recovered a wooden stick used in the occurrence. Co-accused have also been arrested. Investigation now stands completed. The petitioner along with co-accused is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of suspicion raised by the brother of the victim. There is no eye witness to the occurrence. The case is based on circumstantial evidence and no incriminating material whatsoever could be collected by the Investigating Agency to connect the petitioner with the subject offence. A false recovery has been planted upon him, which does not pertain to any incriminating article as no blood stain whatsoever had

been found on the stick. Petitioner is in custody since long. Trial will take considerable time to conclude. His continued detention would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed.

5. Status report has been filed.

6. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be given the concession of regular bail.

7. I have heard rival submissions made by learned counsel for the parties.

8. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof and by hatching conspiracy with the co-accused, had caused homicidal death of the victim on the night of 02.10.2024. The petitioner was not named in the FIR. The case rests upon circumstantial evidence, and apart from the disclosure statement allegedly suffered by the petitioner, no other circumstance has been pointed out at this stage. Complainant and brother of the victim were not the eye witnesses to the occurrence. Trial will obviously take time to conclude as only one witness has been partly examined out of total 31 prosecution witnesses. Keeping in view the above discussed facts and without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petitioner has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds with two sureties in the like amount each to the satisfaction of the Court

concerned/Duty Magistrate and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

28.11.2025

harjeet

(MANISHA BATRA)
JUDGE

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