

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

CRM-M-58586-2024
Reserved on: 19.03.2025
Pronounced on: 28.03.2025

Ankit Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Harjot Singh Bedi, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

Mr. Ramandeep Singh, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
191	15.11.2023	Civil Lines, Patiala	302, 324, 506, 148, 149, 34 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are taken from status report filed by State counsel, which reads as follows:

“4. That the brief facts of the case are that on 14.11.2023 an information was received at police station with regard to the fact that Pritam Chand have been brought dead at Rajindra Hospital, Patiala and Ajay Kumar son of Pritam Chand (the complainant) has been admitted in the hospital on account of sustaining injuries in a fight.

5. That acting upon this information Insp. Harjinder Singh reached at Rajindra Hospital, Patiala and obtained MLR of Ajay Kumar. On having been declared fit, he recorded statement of Ajay Kumar who stated that on the said date at about 7:30 PM he was present at his house. In front of their house in the street on Passi Road the accused Ankit, Kirna, Prince and Ajay Rana alias Khurpa were fighting with

Jatin, Ishu and Sheetal. Jatin called his brother Deepak on telephone and told that Ankit, Kirna, Prince and Ajay alongwith two other persons were fighting with them without any reason. Upon this, he (the complainant) alongwith his father Pritam Chand and younger brother Deepak reached at the spot. They found that Jatin was injured in the fight. When they tried to stop the fight, Ankit (the petitioner accused) gave blow of knife/kirtch with an intention to kill his father Pritam Chand. The blow landed on the thigh near the private part of his father while Prince gave blow of knife/kirtch on his left arm. Kirna gave blow of brick on the shoulder of his brother Deepak. Two other unknown persons also gave injuries to them with sticks. His father fell on the ground. When they raised alarm, the assailants ran away from the spot alongwith their weapons giving threats to them. Pritam Chand was transported to Rajindra Hospital, Patiala where he was declared brought dead.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. Counsel for the petitioner submits that the injury attributed to the petitioner is on thigh and petitioner is not responsible for the death. Counsel for the petitioner further submits that there is only one injury and two blows were attributed to the petitioner which means the witnesses are telling lie. Counsel further submits that the knife which was recovered has no blood stain on it.

6. State counsel opposed the bail on the ground that there is specific allegation against the petitioner of causing injury with knife. It would be appropriate to refer to para no.10 and 11 of the status report which reads as follows:

“10. That as per the Post Mortem Report No. BD/MK/AK/PMR/50/23 dated 15.11.2023 issued by Government Medical College and Rajindra Hospital, Patiala (Form-VI), following ante-mortem injury was found on the person of deceased Pritam Chand:

i. A stab wound of size 2.6 x 1.5 cm was present on the front of left thigh. The wound was elliptical in shape. The middle of the wound was placed 17.9 cm above the left knee joint. The margins of the wound were regular in dissection, on iteration with knife red blood is present in the underlying structures and on further examination, femoral vessels are cut.

11. That in the opinion into the cause of death was hemorrhage and shock as a result of the said injury (marked as injury No. 1) which is sufficient to cause death in ordinary course of nature. The nature of weapon used was opined to be sharp. The probable time between injury and death was within few minutes and the time between death and post mortem examination was within about 12 to 24 hours. The said Post Mortem report is attached as Annexure R1.”

7. Thus, the cause of death is result of injury No.1 which is attributed to the petitioner.

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. The petitioner's custody of around 1.5 years cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is life imprisonment.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

28.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.