



CRM-M-6156-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.105

CRM-M-6156-2025
Date of Decision: 20.02.2026

MANTHAN ALIAS MISHU

...Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Ribhav Chadha, Advocate
for the petitioner.

Mr. H.S. Wadhwa, DAG, Punjab.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita for concession of regular bail to the petitioner in
case bearing FIR No. 112 dated 14.11.2023, registered under Sections 323,
452, 307 and 34 of the Indian Penal Code, 1860, and Sections 302 and 201
IPC (added later on), at Police Station Cantt., Jalandhar, District Jalandhar,
Punjab.

2. Briefly stated, the case of the prosecution is that on 12.11.2023
at about 9:30 p.m., complainant Dharminder along with his maternal uncles
Harbans and Joginder was celebrating Diwali by lighting crackers near the
Dairy of Kohli. One of the crackers allegedly fell into the house of applicant
Manthan, who along with co-accused Lalit Kumar and another person
started abusing the complainant party. It is alleged that the accused persons
brought swords from their house and attacked them with an intention to kill.

Manthan allegedly inflicted sword blows upon the complainant, one hitting



his head and another his left foot. Joginder came forward to rescue him but Lalit allegedly struck him with a sword on his right hand, causing him to fall and sustain further injuries. Harbans also came forward to intervene, whereupon it is alleged that Manthan gave a sword blow on the left side of his head and further blows were inflicted by co-accused. On these allegations, the FIR was registered, and during investigation Harbans succumbed to his injuries on 16.11.2023, whereafter offence under Section 302 IPC was added.

3. Learned counsel for the petitioner has argued that the petitioner has been in custody for the last two years, two months and twenty-six days. It is submitted that two eyewitnesses, namely Joginder Singh and Dharminder, have already been examined and both have not supported the case of the prosecution and were declared hostile. They have categorically stated that they could not identify the accused persons as the assailants. It is further submitted that another prosecution witness, PW-2 Lalla alias Kamruddin, has also been examined and he stated that no CCTV camera was installed in his shop nor had he prepared any pen drive of CCTV footage regarding the occurrence. Thus, none of the material witnesses examined so far have supported the prosecution version. Learned counsel further contends that in these circumstances the petitioner is entitled to be released on bail.

4. Learned counsel for the State, on the other hand, has opposed the bail application mainly on the ground that serious allegations of committing the murder of Harbans Singh have been levelled against the petitioner and he is attributed the main role of inflicting the fatal blow along



with co-accused. It is argued that some of the prosecution witnesses are yet to be examined and, therefore, despite three witnesses not supporting the prosecution case, the petitioner does not deserve the concession of bail.

5. Having heard learned counsel for the petitioner and learned State counsel and after perusal of the record, this Court finds that the material witnesses, namely Joginder Singh, Dharminder and PW-2 Lalla alias Kamruddin, have already been examined and none of them has supported the prosecution case. The petitioner has remained in custody for about two years, two months and twenty-six days and the trial is likely to take considerable time to conclude. Continued pre-trial incarceration of the petitioner would serve no useful purpose and would amount to punitive detention before conclusion of trial. Without expressing any opinion on the merits of the case, this Court deems it appropriate to allow the present petition.

6. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned and subject to his compliance with the conditions imposed under law.

7. However, it is made clear that nothing stated hereinabove shall be construed as an expression on the merits of the case.

20.02.2026
Anu

(MANDEEP PANNU)
JUDGE

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