



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

Sr. No.211

CRM-M-12440-2026
Date of Decision: 04.05.2026

MANISH KUMAR ALIAS MUNISH KUMAR**...Petitioner****Versus****STATE OF PUNJAB****....Respondent****CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present:- Mr. Nakul Sharma, Advocate
for the petitioner.

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

MANDEEP PANNU, J. (Oral)

1. This is a petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the grant of regular bail to the petitioner in FIR No. 12 dated 27.01.2024, registered under Sections 302, 307, 325, 323, 506 and 34 of the IPC (corresponding to Sections 103, 109, 117(2), 115(2), 351(2)(3) & 3(5) of BNS, 2023) and Section 27 of the Arms Act at Police Station Sadar Malout, District Sri Muktsar Sahib.

2. As per the prosecution version, on 26.01.2024, the complainant along with his maternal father-in-law Kulwinder Singh went to the shop of Harish Chhabra and Manish Chhabra at village Aulakh for settlement of pending freight charges. Upon reaching there, an altercation took place, during which Harish Chhabra allegedly started abusing them. In the meantime, co-accused Manish Chhabra, in a fit of rage, took out a pistol and fired a shot at Kulwinder Singh with an intention to kill, which hit him in the abdomen. Thereafter, it is alleged that Harish Chhabra pushed Kulwinder



Singh to the ground and fired another shot, which hit him near the ear, rendering him unconscious. Both the accused thereafter fled from the spot. The injured was immediately taken to Civil Hospital, Malout, from where he was referred to GGS Medical College, Faridkot for further treatment. On the basis of the statement of the complainant, the present FIR was registered against the accused persons.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and no specific or overt act has been attributed to him in the alleged occurrence. It is submitted that the prosecution story stands materially weakened as the star witness/complainant Gurpreet Singh (PW-6), projected as an eye-witness, has not supported the case of the prosecution and has categorically deposed before the learned trial Court that the petitioner had not fired upon the deceased and that he had not even made any statement before the police regarding the alleged incident. It is further contended that similarly, Narinder Kaur (PW-7), wife of the deceased, has also not supported the prosecution version and has specifically stated that the petitioner did not fire at her husband, and both these material witnesses have been declared hostile. Thus, it is argued that there is no direct or specific attribution of any incriminating role to the petitioner and the very substratum of the prosecution case stands eroded. Learned counsel further submits that the investigation in the present case stands complete, challan has already been presented and charges have been framed. The petitioner is in judicial custody and the trial is likely to take considerable time to conclude; therefore, continued incarceration of the petitioner would amount to pre-trial punishment. It is also contended that the



petitioner is not a flight risk, has deep roots in society, and undertakes to abide by all the conditions imposed by this Hon'ble Court. He further undertakes not to abscond, not to tamper with the evidence, and not to influence any prosecution witness. Lastly, it is submitted that the co-accused Harish Chhabra has already been granted the concession of regular bail by a Coordinate Bench of this Hon'ble Court, and on the ground of parity also, the petitioner is entitled to the grant of regular bail.

4. On the other hand, learned State counsel, on the basis of the status report filed, opposes the grant of regular bail to the petitioner. It is contended that the petitioner is specifically named in the FIR and has played an active role in the commission of the offence. As per the prosecution version, the petitioner, in furtherance of common intention, fired a gunshot at the deceased Kulwinder Singh which struck him on the abdomen and formed part of the continuous sequence of events ultimately resulting in his death. It is further submitted that the offence is grave and heinous in nature involving the use of a firearm, and therefore, the petitioner does not deserve the concession of bail. Learned State counsel has also placed on record the custody certificate, as per which the petitioner has undergone custody of approximately two years and three months. It is, however, argued that despite the said period of custody, considering the seriousness of the allegations and the manner in which the offence was committed, the present petition deserves to be dismissed.

5. I have heard learned counsel for the parties and have gone through the record, including the status report filed by the State. At the outset, it is to be noted that the star prosecution witnesses, namely Gurpreet



Singh (PW-6), the complainant and alleged eye-witness, and Narinder Kaur (PW-7), wife of the deceased, have not supported the case of the prosecution and have been declared hostile. Both the said witnesses have categorically deposed before the learned trial Court that the petitioner had not fired upon the deceased. In such circumstances, the very substratum of the prosecution case, at least qua the present petitioner, stands materially weakened. It is further a matter of record that the co-accused Harish Chhabra has already been granted the concession of regular bail by a Coordinate Bench of this Court, and therefore, on the principle of parity as well, the case of the present petitioner deserves similar consideration. This Court also cannot lose sight of the fact that the petitioner has been in judicial custody for a substantial period of approximately two years and three months. The investigation stands complete, challan has been presented, charges have been framed, and the trial is likely to take considerable time to conclude, especially in view of the number of witnesses yet to be examined. Continued incarceration of the petitioner, in these circumstances, would not serve any useful purpose.

6. Without commenting upon the merits of the case, and considering the totality of facts and circumstances, particularly the turning hostile of material witnesses, the grant of bail to the co-accused, and the long period of custody undergone by the petitioner, this Court is of the considered opinion that the petitioner has made out a case for grant of regular bail.

7. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court/Duty



Magistrate concerned and subject to the condition that he shall not tamper with the prosecution evidence or influence any witness in any manner and shall appear before the trial Court as and when required.

8. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

9. All pending applications, if any, also stand disposed of.

04.05.2026
Anu

(MANDEEP PANNU)
JUDGE

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