



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

Sr. No.236

CRM-M-14427-2026
Date of Decision: 02.04.2026

PAWAN KUMAR @ BOXER**...Petitioner****Versus****STATE OF PUNJAB****....Respondent****CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Mr. Hardeep Hans, AAG, Punjab.

MANDEEP PANNU, J. (Oral)

1. The present petition is a first petition under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case FIR No. 0119 dated 02.09.2022, registered under Sections 302, 341, 506, 148, 149, 120-B IPC (i.e. Sections 103, 126(2), 351, 191(3), 190 BNS, 2023) at Police Station Sultanwind, District Amritsar.

2. The brief facts of the case are that the present FIR was registered on the statement of the complainant alleging that the petitioner along with other co-accused, armed with deadly weapons, attacked Shiv Kumar alias Shiva and inflicted multiple injuries upon him. It is alleged that the petitioner raised a lalkara and also gave a blow with a datar on the head of the deceased. The injured was taken to the hospital where he succumbed to his injuries. On the basis of these allegations, the present FIR was registered.



3. Learned counsel for the petitioner contends that during the course of trial, all the material witnesses have already been examined and none of them has supported the case of the prosecution. It is submitted that PW3 Jasbir Kaur has specifically stated that some unidentified persons armed with weapons had entered the house and started beating Shiv Kumar and that the accused persons present in the Court are not the same persons who had caused injuries to Shiv Kumar. Similarly, Kashmir Singh, examined as PW7, has also not supported the case of the prosecution and has stated that he does not know the accused persons present in the Court as he has seen them for the first time in Court and was accordingly declared hostile. It is thus contended that the two material witnesses have not supported the prosecution case. It is further submitted that the petitioner has been in custody for the last about three years and six months and, therefore, he deserves to be released on bail.

4. On the other hand, learned State counsel has opposed the bail application while referring to the custody certificate and submitted that the petitioner is in custody for the last about three years, six months and twenty-four days. It is further contended that serious allegations have been levelled against the petitioner, inasmuch as he is specifically attributed the role of giving a datar blow on the head of Shiv Kumar with an intention to kill him, who later succumbed to the injuries in the hospital, and therefore, he is not entitled to the concession of bail.

5. I have heard learned counsel for the parties and have gone through the record. The petitioner has been in custody for a considerable period of about three years and six months. It is not disputed that the

material witnesses, namely PW3 Jasbir Kaur and PW7 Kashmir Singh, have not supported the case of the prosecution and have failed to identify the petitioner in Court. Their testimonies, at this stage, materially affect the prosecution case insofar as the identity and role of the petitioner is concerned. The trial is still likely to take time for its conclusion and continued incarceration of the petitioner would not serve any useful purpose.

6. Without commenting upon the merits of the case, but keeping in view the prolonged custody period and the fact that the material witnesses have turned hostile, 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 and the petitioner is ordered to be released on bail subject to his furnishing adequate bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

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

02.04.2026
Anu

(MANDEEP PANNU)
JUDGE

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