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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.14609 of 2025 (O&M)

Budhiya Devi Petitioner

Versus

State of Punjab Respondent

CRM-M No.22362 of 2025

Salesh Paswan Petitioner

versus

State of Punjab Respondent

Date of Decision: 17.02.2026

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajesh Dhiman, Legal Aid Counsel
for the petitioner in CRM-M-14609-2025.

Ms. Monita Mehta, Advocate;
Mr. Abhimanyu Jairath, Advocate and
Mr. Arshveer Singh, Advocate
for the petitioner in CRM-M-22362-2025.

Mr. Hemant Aggarwal, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

CRM-14728-2025

Allowed as prayed for.

Main cases

1. By this order, I dispose of the above mentioned two petitions
arising out of the same FIR.



2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.0059, dated 04.04.2024, under Sections 302 & 120-B of IPC, registered at Police Station Garhshankar, District Hoshiarpur.

3. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Jarnail Singh. It was stated that an unidentified dead body of a person of about the age of 46 years was found lying on 04.04.2024. The dead body had injuries marks on its head and neck. From the Aadhar card recovered from the kit of the deceased, the dead body was identified to be of Ashok Kumar. It was stated that some unknown person has killed Ashok Kumar and thus, the action be taken. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. During the investigation, complicity of both the petitioners surfaced and thus, both were arrayed as an accused in the present case. Resultantly, the petitioner, namely, Budhiya Devi (in CRM-M-14609-2025) was arrested on 12.05.2024, whereas the petitioner, namely, Sales Paswan (in CRM-M-22362-2025) was arrested on 06.05.2024. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioners approached the Court of learned Sessions Judge, Hoshiarpur praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Sessions Judge, Hoshiarpur dismissed the bail applications filed by both the petitioners vide orders dated 19.12.2024 and 19.03.2025, respectively.

Hence, the petitioners have approached this Court praying for grant of



regular bail by way of filing the present petitions.

4. Learned counsels for the petitioners have contended that the petitioners have been falsely implicated in the present case. They have submitted that admittedly the case of prosecution is based on the circumstantial evidences as there are no direct evidence to link the petitioners with the alleges offence. They have submitted that the dead body was found on 04.04.2024 and thereafter, the statement of son of the deceased, namely, Abhishek Kumar was recorded on 06.04.2024 wherein he stated that some unknown person had killed his father. They have submitted that it is after a month, his supplementary statement was recorded on 06.05.2024 wherein he made a bald statement contending that their family had inquired at their own level and they found that his father was murdered by Budhiya Devi (petitioner in CRM-M-14609-2025) and Sales Paswan (petitioner in CRM-M-22362-2025). On the basis of the false and frivolous allegations made by the son of the deceased, the petitioners were arrested and the false recovery of mobile was planted in this case. They have submitted that after the arrest of the petitioner, namely, Sales Paswan (in CRM-M-22362-2025) on 06.05.2024, the statement of witness, namely, Mukesh was recorded on 08.05.2024, wherein he stated that he saw the deceased along with the petitioners on 04.04.2024. They have submitted that the last seen witness is also a planted witness. They have submitted that from the date of occurrence, i.e. 04.04.2024, this witness had not made any statement regarding witnessing the petitioners in the company of deceased. They have submitted that the petitioners are behind bars from last more than 1½ years and the



petitioners have no criminal antecedents as they have never been involved in any other case. They have submitted that the petitioners have been implicated in the present case only on the basis of presumptions and assumptions. They have submitted that the investigation is based on the inquiry conducted by the son of deceased, which has no legal sanctity. They have submitted that in the facts and circumstances, the petitioners deserve to be granted regular bail.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He has submitted that during the investigation, call details of the deceased with the petitioner, namely, Budhiya Devi (in CRM-M-14609-2025) were verified and the same was the part of the challan. He has submitted that the petitioners gave the stone blow on the head of the deceased and the same is medically corroborated. He has submitted that the cause of death has been found to the injury to the brain. He, on instructions, has submitted that out of total 24 prosecution witnesses, 09 witnesses have been examined so far. He has produced custody certificates of both the petitioners today in the Court, which are taken on record.

6. Heard.

7. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly the case of prosecution is based on the circumstantial evidences. The evidence relied upon by the prosecution as contended before this Court are the call details and the last seen witness and the recovery of mobile phone. Besides this, the supplementary statement of the son of deceased was recorded on 06.05.2024, which has been relied upon by the investigating agencies wherein he deposed that the

investigation has been carried out by them at their own level. Custody certificates produced would show that both the petitioners, namely, Budhiya Devi (in CRM-M-14609-2025) and Sales Paswan (in CRM-M-22362-2025) have suffered an incarceration of 01 year, 09 months and 02 days as on 16.02.2026. It further reflects that the petitioners have no criminal antecedents. Out of total 24 prosecution witnesses, 09 witnesses have been examined so far.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsels for the petitioners succeed in making out a case for grant of regular bail to the petitioners.

9. Accordingly, both the petitions are allowed and the petitioners, namely, Budhiya Devi and Sales Paswan are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the cases.

17.02.2026

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No