



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

1) CRM-M-18349-2025
Decided on : 03.02.2026

Pawan Kumar @ Pritam . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

2) CRM-M-60667-2025

Kulwinder Singh @ Bobby . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. PKS Phoolka, Advocate
for the petitioner(s) (in CRM-M-18349-2025).

Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner(s) (in CRM-M-60667-2025).

Mr. Vinay Malhotra, DAG, Punjab.

Mr. P.S. Jammu, Advocate and
Ms. Neha Gupta, Advocate, for the complainant.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-18349-2025 & CRM-M-60667-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-18349-2025.

2. The instant petitions have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Pawan Kumar @ Pritam (petitioner in CRM-M-18349-2025)	148	26.08.2024	103, 3(5) of BNS, 2023	Canal Colony	Bathinda
Kulwinder Singh @ Bobby (petitioner in					

CRM-M-60667-2025)					
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3. Learned counsel for the petitioner(s) submits that, as per the allegations made by the complainant in the FIR, his son, Jashan Kumar, aged 24 years, had joined the company of Kulwinder Singh @ Bobby (petitioner in CRM-M-60667-2025), and both of them would regularly leave for work together from home. On 20.08.2024, at around 9:00 A.M., Jashan Kumar and Kulwinder Singh @ Bobby went to Gandhi Market, Bathinda, on Jashan Kumar's motorcycle, i.e. Hero Splendor bearing registration No.PB 03 BK 6019. Later that evening, around 8:00 P.M., complainant's wife, Babli, received a phone call from petitioner - Kulwinder Singh @ Bobby, who informed her that Jashan Kumar had met with an accident and was admitted to a hospital in Bathinda. Due to the severity of his injuries, doctors at the Civil Hospital, Bathinda, referred him to COSMO Hospital, Maheshwari Chowk, Bathinda, where he received treatment until 24.08.2024.

As Jashan Kumar's condition worsened, he was further referred to DMC, Ludhiana, where he eventually passed away during treatment on 25.08.2024. Counsel for the petitioner argues that despite the alleged suspicion raised by the complainant regarding his son's death, no complaint was lodged with any authority since the evening of 20.08.2024 until six days later, after Jashan's death. As per the FIR, it is alleged that several injuries were inflicted upon the deceased by Kulwinder Singh @ Bobby, Pawan Kumar alias Pritam (petitioner in CRM-M-18349-2025), and Jagvir Singh alias Gabbar, all of whom were allegedly involved in drug dealing.

4. Learned counsel for the petitioners further argues that, as admitted in the FIR itself, the deceased was a habitual consumer of drugs and allegedly owed money to the accused persons. It is, therefore, submitted that

the FIR appears to have been lodged merely on suspicion that the deceased – Jashan Kumar was beaten to death over alleged non-payment of dues. Learned counsel contends that the allegations levelled against the petitioners are false and improbable for several reasons: firstly, had the allegations been true, the complainant would have promptly lodged a complaint during the period of hospitalisation itself; secondly, no serious or grievous injuries were noted by the doctors at the time of medical examination; and thirdly, and most importantly, the cause of death has been recorded as “cardiac arrest”. Thus, it is argued that the ocular version set up in the FIR stands completely contradicted by the medical evidence on record.

Learned counsel further submits that one of the similarly situated co-accused, namely, Jagvir Singh alias Gabbar, has already been granted the concession of regular bail by this Court vide order dated 13.10.2025 passed in CRM-M-36617-2025, titled as “*Jagvir Singh alias Gabbar v. State of Punjab*”. In support of his contention, learned counsel has produced a copy of the order dated 13.10.2025 in Court today, which is taken on record. Office to tag the same at the appropriate place.

It is accordingly submitted that petitioner – Pawan Kumar @ Pritam has been in custody since 27.08.2024 and petitioner – Kulwinder Singh @ Bobby has been in custody since 28.08.2024, i.e., for a period of more than one year and 04 months. Both the petitioners are stated to have clean antecedents with no other criminal case registered against them. Therefore, on the ground of parity as well as prolonged incarceration, learned counsel prays that the petitioners deserve to be extended the concession of regular bail.

5. On advance notice and in response to the arguments addressed

by learned counsel for the petitioner, learned State counsel, produces the status report dated 01.02.2026 in Court today, which is taken on record. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

6. Learned State counsel is unable to controvert any of the submissions made by learned counsel for the petitioner(s) during the course of arguments before this Court. He also confirms the total period of incarceration undergone by the petitioners, as stated by the petitioners' counsel. However, despite these facts, learned State counsel prays for dismissal of the present petition.

7. I have heard learned counsel for the parties and perused the material available on record.

8. Before proceeding further, it would be appropriate to reproduce the observations made by this Court in the order dated 13.10.2025 passed in the case of co-accused – Jagvir Singh alias Gabbar (CRM-M-36617-2025), whereby he was granted the concession of regular bail. The relevant extract is as under:—

“7. It is an admitted position that deceased was a habitual drug user, and the recorded cause of death is cardiac arrest. Whether the death occurred due to the deceased's drug habit or as a result of the alleged injuries inflicted by the accused persons, is a matter that is yet to be determined by the trial Court.

It is also relevant to note that on 18.07.2025, after considering the contentions raised by the petitioner's counsel, Co-ordinate Bench of this Court passed the following order:-

“Learned counsel for the petitioner inter alia contends that there is no eyewitness to the occurrence in question wherein the son of the complainant lost his life on account of the alleged assault carried upon him by the petitioner and two others. It has been submitted that in fact it was on the basis of a vague suspicion that the complainant had named the petitioner and the co-accused in the FIR in question as being the persons who fatally assaulted his son. While further drawing the attention of this

Court to the FIR, it has been asserted that in fact the deceased was a drug addict, even as per the conceded case of the complainant, and had died not on account of any injuries sustained by him allegedly at the hands of the petitioner but even as per the Post Mortem Report, annexed as Annexure P-2, the cause of death was cardiac arrest, totally unconnected with the assault.

Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that although charges have been framed against the petitioner, none of the witnesses have been examined yet.

On being pointedly queried as to which of the material witnesses have been cited by the prosecution, learned State counsel has submitted that the complainant, PW Ram Kumar, is the most material witness, who has been summoned to depose on the next date of hearing i.e. 21.07.2025.

In the circumstances, adjourned to 11.09.2025.

The learned Trial Court shall make earnest efforts to get the evidence of the complainant recorded before the next date fixed before this Court.”

9. *Since nothing can be commented upon at this stage with any definite conclusion, this Court does not find any substantial reason to keep the petitioner detained in custody, especially when the trial and the process of proving the allegations against him are likely to take considerable time. Therefore, this Court finds it appropriate to grant the concession of regular bail to the petitioner in the present case.”*

9. In the light of the facts and circumstances of the present case, as noticed here-above, and also keeping in view the observations made by this Court in the case of the similarly situated co-accused, this Court finds no justifiable ground to deny the concession of regular bail to the petitioners at this stage. The matter is still at the stage of trial, and the final determination of guilt or otherwise can be arrived at only after the prosecution evidence is led and tested in accordance with law. Without expressing any opinion on the merits of the case, this Court is of the considered view that further incarceration of the petitioners would not serve any useful purpose.

Consequently, prayer made in the present petitions are **allowed**.

Petitioners are ordered to be released on bail, subject to their furnishing

bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. It is further made clear that if, in future, petitioners are directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. **Petitions stand disposed of.**

Pending misc. application(s), if any, also stand disposed of.

Photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

February 03, 2026
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*