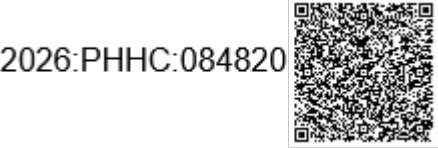


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



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CRM-M-18617-2026 (O&M)

Akashdeep Singh @ Kali

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	26.05.2026
2.	The date when the judgment is pronounced	29.05.2026
3.	The date when the judgment is uploaded on the website	29.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gaurav Kalsi, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner
seeking grant of regular bail in case arising out of FIR No.272, dated
13.09.2022, registered under Sections 302, 148, 149 IPC, at Police
Station Civil Lines Batala, Police District Batala, District Gurdaspur.
2.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant- Kulwant Singh, alleging therein that in the morning of 08.08.2022, his son Ravinder Singh, who was specially abled person and used a tricycle to move around, had left home on the said tricycle and did not return. They started searching for him and found his dead body to be lying in front of focal point. As he could not notice any external injury on the dead body of his son and did not suspect anything else, hence he had recorded a statement to the police for not taking any action as he presumed that his son had died due to heat stroke or suffered an attack. By alleging that Bau son of Balwant Singh, his brother Bhindi, Sajan, Sunny, present petitioner and other persons, who had been extending threats to the complainant and had an altercation with him in the past, had a hand in the murder of the victim, he prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 16.08.2024. He suffered disclosure statement to the effect that on 08.08.2024, he along with the co-accused had surrounded the victim and had given slaps to him. Co-accused Parminder Singh @ Bhindi in a fit of anger pushed the wheelchair of the victim due to which he had fallen on the ground and suffered head injury, resulting into his becoming unconscious and then his death. Some of the other accused were also arrested subsequently. Investigation now stands concluded. The petitioner along with co-accused is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of suspicion. There is no eye

witness to the murder/death of the victim. The case rests upon circumstantial evidence and there is no circumstance to connect him with the subject crime. The disclosure statement allegedly suffered by him and co-accused cannot be considered to be legally admissible in evidence. There is delay of 01 month and 06 days in reporting the matter to the police, which has not been satisfactorily explained, thereby causing serious dent in the entire story as framed by the complainant. The complainant himself had stated that his son had died due to heat stroke and heart attack. His death was natural one and not homicidal. No specific overt act has been attributed to him. He has been made a scapegoat. He is in custody since long. The chances of conclusion of trial in near future are bleak as none out of 19 prosecution witnesses, has been examined so far. His antecedents are clean. No useful purpose would be served by his further incarceration. It is, therefore, argued that he deserves to be released on bail.

5. Per contra, learned State counsel, while relying upon the status report has vehemently argued that the allegations against the petitioner are serious in nature. There are chances of his tampering with the evidence or absconding, if extended benefit of bail. It is, therefore, stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner by forming membership of an unlawful assembly is alleged to have caused death of son of the complainant as on 08.08.2024. The FIR was registered only on 13.09.2024. As per the post mortem examination report, the victim had sustained a head injury, however, it is

only on thorough assessment of the evidence to be produced during trial that any conclusion as to the cause of death of victim can be drawn. The case mainly rests upon the disclosure statement of the petitioner. The veracity of the same will be tested during trial. It is case of circumstantial evidence. There is no basis for the contention that he will tamper with the evidence or may abscond. The trial will obviously take considerable time to conclude. As such, continued detention of the petitioner will not serve any useful purpose. The petitioner has been in prolonged custody which militates against his right to speedy trial. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petitioner has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

29.05.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE