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

**CRM-M No.36055 of 2025  
Date of Decision: 18.03.2026**

**Suresh Kumar**

**..... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present: Mr. Daljeet Singh Kahlon, Advocate  
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

Mr. Sachin Sharma, Advocate  
for the complainant.

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**RAJESH BHARDWAJ, J. (ORAL)**

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.120, dated 30.12.2022, under Sections 307, 302, 323, 506, 34 of IPC, registered at Police Station Sadar Pathankot, Tehsil & District Pathankot.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Kailasho. It was alleged that on 30.12.2022, the complainant was standing near the gate and in the meantime, Puran Chand came in their street and on seeing the complainant, he started spitting towards her. When the complainant objected, Puran Chand started abusing her and she started walking towards



his house. When the complainant was going towards her house, his son, namely, Pawan Bhagat came in the street. The complainant told the incident to her son and then, son of complainant asked Puran Chand about the same and then, Puran Chand started abusing her son. In the meantime, Suresh Kumar (petitioner) came at the place of occurrence, armed with iron rod/Mussal and started misbehaving with the complainant and her son. He also threatened both of them. Thereafter, Suresh Kumar (petitioner) gave an iron rod blow upon the son of complainant, namely Pawan Bhagat, with intention to kill, which hit on his head and due to the iron rod blow, Pawan Bhagat fell down on the road and the blood was oozing from his head. Thereafter, the complainant raised alarm and on hearing the alarm, her younger son, Kamal Kumar came at the spot. Pushpa Devi wife of Des Raj and Bhawana wife of Suresh Kumar (petitioner) also came at the spot and started scuffling with them. Many people of the village also gathered at the place of occurrence on hearing the alarm, then the accused ran away from the spot along with the weapons. Thereafter, Pawan Bhagat got admitted in the Civil Hospital, Pathankot for medical treatment, from where, due to his serious condition, he referred to Raj Hospital, Pathankot, however, he succumbed to the injuries. Thus, the request was made to take legal action against both the accused. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. Resultantly, the petitioner was arrested on 01.01.2023. On completion of the investigation, the challan has been presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Sessions Judge, Pathankot praying for the grant of regular bail.



However, after hearing both the sides and finding no merit in the same, the learned Sessions Judge, Pathankot dismissed the bail application filed by the petitioner vide order dated 18.02.2025. Hence being aggrieved, the petitioner is before this Court praying for grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner and the complainant side are the first cousins and the dispute has taken place on account of some family issue. He has submitted that the petitioner has been implicated in the present case on account of the rivalry among the family members. He has submitted that the petitioner was arrested on 01.01.2023 and since then, he is behind bars. To buttress his arguments, learned counsel for the petitioner has submitted that in all there are total 04 accused and except the petitioner, all three were on bail. He has submitted that even half of the witnesses has not been examined so far and thus, his right of speedy trial has been miserably defeated. He has submitted that though the petitioner was implicated in one more case bearing FIR No.15, dated 03.02.2021, under Sections 354, 324, 326, 323, 148, 149 IPC, however, he is on bail in that case. He has submitted that weighing the facts and circumstances of the case and the allegations made against the petitioner, the offence under Section 302 IPC is also not attracted as there was no intention on the part of the petitioner to commit the murder of Pawan Bhagat. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Learned counsel for the complainant has vehemently opposed



the submissions made by learned counsel for the petitioner. He has submitted that case of the prosecution is based on the eye-witness account, who has duly supported the case of prosecution. He has submitted that the petitioner had given an iron rod blow on the head of the deceased, namely, Pawan Bhagat and he is the main accused. He has submitted that the petitioner is also involved in one more case. He has further submitted that one of the co-accused had approached the Hon'ble Supreme Court and the Hon'ble Supreme Court vide order dated 02.08.2024 had directed the learned trial Court to expedite the trial. He has submitted that there is a CCTV footage also collected by the Investigating Agencies, which proves the complicity of the petitioner in committing the offence. He has submitted that no case for the grant of regular bail to the petitioner is made out and, thus, the present petition deserves to be dismissed.

5. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is the main accused in the present case. He has submitted that it is the head injury caused by the petitioner, which resulted in the death of deceased, Pawan Bhagat. He, on instructions, has submitted that out of total 29 prosecution witnesses, 11 witnesses have been examined including the eye-witness, i.e. the complainant. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

6. Heard.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case is among the family



members. The petitioner and the complainant side are the first cousins. The petitioner is behind bars since the date of his arrest, i.e. 01.01.2023. Custody certificate produced would show that the petitioner has suffered an incarceration of 03 years, 02 months and 14 days as on 17.03.2026. It further reflects that though the petitioner is involved in one more case, however, he is on bail in that case. Out of total 29 prosecution witnesses, 11 witnesses have been examined so far including the eye-witness, however, there is no probability of tampering with the witnesses. Co-accused of the petitioner are already on bail. Hon'ble the Supreme Court has also given the direction for expediting the trial. Needless to say that every accused has the right of speedy trial.

8. The Hon'ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

*“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”*

9. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in '**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**', has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.



10. 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 counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

11. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

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

18.03.2026

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(RAJESH BHARDWAJ)  
JUDGE

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| Whether Speaking/Reasoned : | Yes/No |
| Whether Reportable :        | Yes/No |