



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

119

CRM-M-41040-2025

Date of Decision: 23.02.2026

RAMAN KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

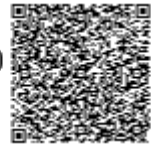
Present: Mr. Anshuman Chopra, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner for grant of regular bail in case arising out of FIR No.91 dated 19.08.2024, registered under Sections 103(1), 190, 191(3) of BNS, 2023, at Police Station City Batala, District Gurdaspur.

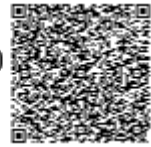
2. The aforementioned FIR was registered on the basis of statement got recorded by the complainant-Anita Vohra alleging that on the night of 13.08.2024, she along with her son-Saurav Vohra was returning to her house when the petitioner, alongwith co-accused, intercepted them. They were armed with weapons. Accused Sunny Khosla made an exhortation to catch the son of complainant and to teach a lesson to him for having an altercation with them. An assault was opened by the petitioner and others upon the victim Saurav Vohra by inflicting injuries on his head with a *datar*. The petitioner struck blows with *Dang* on the right arm of the victim. The assailants also caused injuries on his person with their respective weapons



and then fled away. The injured was rushed to hospital but succumbed to his injuries on 18.08.2024. The petitioner along with co-accused Sunny Khosla, Amar Khosla and Sonu was arrested on 20.08.2024. The petitioner got recovered the *Dang* used by him for causing injuries to the victim. Investigation now stands concluded.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. False recovery has been planted upon him. The petitioner is in custody since 20.08.2024. The injury attributed to him did not contribute to the cause of death. There is delay in lodging of the FIR, which has not been explained. His continued incarceration is not going to serve any useful purpose. The trial is not likely to be concluded in near future. The opinion of doctor as to cause of death of the victim, as given at two different points of time, is not consistent to each other and is totally contradictory and as such, it cannot be stated that the cause of death of the victim was due to the injuries sustained by him at the time of alleged occurrence. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

4. Status report and custody certificate have been filed by the State. Learned State counsel has vehemently argued that the allegations against the petitioner are serious in nature. The petitioner is a habitual offender being involved in several other cases and even has been held guilty and convicted in two cases. The petitioner was not only named in the FIR but was an active participant in the occurrence. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, stressed that the petitioner does not deserve the concession of bail.

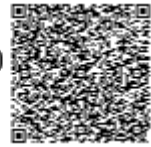


5. This Court has heard the rival submissions made by learned counsel for both the parties at considerable length.

6. The petitioner is alleged to have formed membership of unlawful assembly with the co-accused and in prosecution of common object, he is further alleged to have caused injuries to the victim after opening an assault upon him. The injuries so sustained by the victim proved fatal and resulting in his homicidal death.

7. Learned counsel for the petitioner has drawn attention of this Court to the final opinion given by the doctors, who were members of the Medical Board constituted for the purpose of giving opinion on the post mortem examination of the dead body of the victim. As per the opinion given on 14.11.2024, the death of the victim had occurred on account of failure of functions of heart and lungs which was sufficient to cause death in the ordinary course of nature, whereas according to the opinion as given by the same doctors on 18.11.2024, possibility that the death was caused due to failure of functions of heart and lungs as a result of embolism being caused by injury No.6, which is in the form of abrasion on right forearm interior surface, could not be ruled out. On perusal of these findings, it is apparent that they are not in consonance with each other. The final conclusion as to correctness of either of these opinions has to be drawn by trial Court only on thorough assessment of the evidence to be produced during trial and not at this stage.

8. The petitioner has been linked to the acts attributed with the aid of Section 149 of IPC. It is a case of group violence. In ***Ranjit Singh vs. State of Madhya Pradesh, (2011) 4 SCC 336***, the Hon'ble Supreme Court



had observed that in case of group violence, individual role must be established and mere presence at the scene of crime cannot attribute the same level of culpability to all accused. It was observed that absence of specific evidence against petitioner militates against the denial of bail. The act as attributed to the petitioner is giving a blow with a *Dang* on the right arm of the petitioner. The post-mortem report does not suggest any fatal injury and no injury on vital part has been attributed to the petitioner. It is a matter of evidence as to whether there was direct nexus between the act allegedly committed and cause of death. The petitioner is in custody for a period of about one year and six months. The trial will take considerable time to conclude as no prosecution witness has been examined so far. As such, no fruitful purpose would be served by detaining the petitioner in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception. Pre-trial incarceration should not be replica of post-conviction sentencing. The object of the jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive.

9. Keeping in view the above discussed facts and the circumstances peculiar to the case, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

10. It is made clear that any observation made herein above is only



for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

February 23, 2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No