



221

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

CRM-M-50953-2025

Date of decision : 13.01.2026

Kundan Kashyap @ Kundan**....Petitioner****versus****State of Punjab****.... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

Mr. Ajaivir Singh, Advocate
Mr. Vansham Chhabra, Advocate and
Mr. Jashan Preet Singh Deol, Advocate for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed by the petitioner praying for grant of regular bail in case FIR No.65 dated 25.06.2024, under Section 304 of IPC, registered at Police Station Division No.3, Commissionerate, Jalandhar.

2. Succinctly, the facts of the present case are that the FIR in question was registered on the statement of the complainant, namely, Phoola wife of Gopal. It was alleged that on 21.06.2024 at about 9:30 pm, she and her husband, namely, Gopal (deceased) were present in their resident. Her husband went on ground floor through stair case in the bathroom for urinating and when he returned then Kundan S/o Dhani Ram (petitioner) who was also a tenant, objected to the same and a heated argument took place between them and in the meantime, Kundan by holding the arm of her husband threw him on the ground floor. Her husband suffered the head injury. The complainant, shifted her husband to



referred to Guru Nanak Hospital, Amritsar. During treatment, the complainant's husband after 05 days succumbed to the injuries in Armaan Hospital, Jalandhar. The request was made to take legal action against all the culprits. On registration of the FIR, the investigation commenced. The postmortem of the dead body was conducted. The petitioner was arrested on 25.06.2024. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the learned Sessions Judge, Jalandhar, for grant of bail, however, after hearing both the sides, the said relief was declined to him by the trial Court vide order dated 12.11.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing of CRM-M-64331-2024, however, the same was dismissed as withdrawn on 21.05.2025. Hence, the petitioner is before this Court by way of filing the present second petition for grant of concession of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner was alleged to be armed with any weapon nor he had any intention to cause any injury to the deceased. It is submitted that both the petitioner and the deceased were tenants in the same building. It is submitted that the incident took place in the night and the deceased fell from the roof but the petitioner was implicated on the basis of exaggerated allegations. It is submitted that the petitioner has no criminal antecedents and he is behind bars from last more than 1 ½ years. He submits that even otherwise the material witnesses already stand examined and there is no probability of influencing the witnesses by the petitioner. It is submitted thus that in the overall facts and circumstances, the petitioner deserves to be granted bail.



4. Learned counsel for the complainant, however, has opposed the submissions made on behalf of the petitioner and submits that the petitioner was witnessed by the complainant firstly, fighting with the deceased and thereafter, the petitioner pushed the deceased from the first floor. It is submitted that the petitioner suffered the head injury and succumbed to the same after 05 days. He, thus, prays for rejection of bail of the present petition.

5. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the complicity of the petitioner is duly established. He, on instructions, submits that out of total 23 prosecution witnesses, 12 witnesses already stand examined, who supported the case of the prosecution and 07 witnesses have been given up. He has produced on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case had taken place on 21.06.2024 and the husband of the complainant got injured in the said incident, who thereafter, succumbed to the injuries on 25.06.2024. Out of total 23 prosecution witnesses, 12 witnesses already stand examined including the complainant. The custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 06 months and 17 days as on 12.01.2026. It further reflects that the petitioner has no criminal antecedents.

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.



8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned Senior counsel for the petitioner succeeds in making out a case for the grant of bail to the petitioner. Accordingly, present petition is allowed and petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

13.01.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No