



CRM-M- 53999-2025 (O&M)

-1-

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

117

CRM-M-53999-2025 (O&M)

Date of decision: 12.03.2026

Rahul Masih

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Mr. S.S. Randhawa, Advocate
for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

1. The present first petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.23 dated 15.04.2024, under Section(s) 302, 34, 148, 149 of IPC, registered at Police Station Purana Shalla, District Gurdaspur.

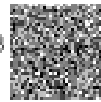
2. The FIR in the present case was registered on the complaint/statement of Rahul. The same reads thus:-

“Statement of Rahul son of Veena, resident of Village Littar, Jail Road, Police Station City Gurdaspur, District Gurdaspur, mobile number 7526828660, age about 21 years: I state that I am a resident of the above-mentioned address and I work as a sanitation worker at the Committee House in Gurdaspur. My elder brother Raju, son of Veena, resident of Village Ram Nagar, Police Station Dinanagar, District Gurdaspur, age about 25



years, also works as a sanitation worker at the Committee House in Gurdaspur. On 14.04.2024, I along with my wife Nandi, my brother Raju, his wife and children, and my paternal cousin Dharaminder, son of Suresh, resident of Village Mirpur, Jail Road, Gurdaspur, went to see the fair at Pandori Dham in Village Pandori Mehta, District Gurdaspur. At around 5 or 6 in the evening, our women and children went into the lane leading to the temple, while I, my brother Raju, and my cousin Dharaminder were walking together. At that time, a young man about 22 or 23 years of age collided his shoulder with Dharaminder's shoulder. Immediately, he began abusing Dharaminder and pulled out a knife and moved toward him. My brother Raju stepped forward to protect Dharaminder. That young man was accompanied by 2-3 other boys, one of whom shouted to stab and finish him. At that moment, the boy wearing a black shirt attacked with the knife in his hand. The knife struck my brother Raju on his left shoulder and the left side of his neck, causing him to bleed heavily. I immediately took my injured brother on my motorcycle to the Civil Hospital Gurdaspur for treatment. There, he was referred to the Abohral Hospital in Gurdaspur for further treatment. The doctor started treatment, but during the course of treatment at Abohral Hospital, my brother Raju died. I can identify the person wearing a black shirt and his associates if I see them again. This was a pre-planned attack by these persons, resulting in my brother's murder. Legal action should be taken against them to find them and ensure they are punished. The statement was read out to me, found correct, and I have signed below.”

2. Learned counsel appearing for the petitioner contends that the ocular version makes an attribution against the petitioner, however, during



the course of investigation, co-accused namely Abhishek was found to have caused the fatal blow. Recovery of the weapon of offence has also been effected from the said co-accused. He contends that the investigation has ruled out the possibility of injury having been caused by the petitioner and there is no other covert act attributed to the petitioner. He further contends that the petitioner has clean antecedents and he is in custody since 19.04.2024 and has undergone an actual custody of more than 01 year 10 months.

4. Learned counsel for respondent-State does not dispute the aforesaid factual aspects. He submits that only 06 out of the total 17 prosecution witnesses have been examined so far.

4. Learned counsel for the complainant contends that they shall raise all arguable issues before the trial Court in relation to the attributions against the petitioner. However, he does not dispute the period of custody and stage of trial and the fact that no recovery has been effected from the petitioner.

6. Having heard learned counsel for the parties and without commenting on the merits of the case and taking into the consideration the period of actual custody undergone by the petitioner, absence of recovery, his clean antecedents, the stage of the trial wherein only 06 out of the total 17 prosecution witnesses have been examined so far and undisputed argument of the petitioner as above, and bearing in mind that trial is likely to take a long time to conclude, I deem it fit to allow the instant petition.

7. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety



bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

12.03.2026
monika

(VINOD S. BHARDWAJ)
JUDGE

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