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

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Aamir Khan

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 25.02.2026**Date of Uploading : 25.02.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita for grant of regular bail to the petitioner in case bearing FIR No.41 dated 14.03.2021, registered for the offences punishable under Sections 302, 307, 324, 341, 34, 201 of IPC and Sections 25, 54, 59 of Arms Act at Police Station Urban Estate Patiala, District Patiala.

2. As per the prosecution version, the complainant Raju Gir along with deceased Deepak Kumar had langar on the occasion of Shivratri at their village temple. At about 2:00/2:30 PM, when they reached near the liquor vend, co-accused Lalla, Laddi Kana and petitioner allegedly came out of the premises of liquor store in an intoxicated condition. It has been alleged that co-accused Lalla had threatened the deceased Deepak Kumar. Thereafter, all the accused allegedly took out knives from their trouser

pockets and chased the complainant and the deceased. It has been further

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alleged that the accused had surrounded them behind King Sweets, Phase-1, Urban Estate, Patiala. It has been further alleged that the petitioner is alleged to have attributed a specific role of inflicting a knife blow on the abdomen of deceased Deepak Kumar, who fell to the ground. Co-accused Lalla allegedly inflicted a knife blow on the right flank of the complainant and accused Laddi Kana is stated to have given multiple knife blows on the backside of the left thigh of the complainant. On raising alarm, public persons gathered whereinafter the accused had fled from the spot. The injured were taken to hospital where Deepak Kumar was declared dead. The occurrence is stated to have been occurred in a broad daylight on account of previous rivalry which resulted in death of one person i.e. Deepak Kumar. On these set of allegations, the instant FIR was lodged and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as there is a material discrepancy in the prosecution story with regard to the identity of the assailant, inasmuch as the FIR attributes the fatal blow to Shalu @ Khan, whereas the name of the petitioner is Aamir Khan and both are distinct persons. Learned counsel has further iterated that this aspect is evident from the testimonies of PW-2 Raju Gir and PW-3 Rakesh Kumar. It has been further contended that PW-5 Shanty has not supported the prosecution case at all. Learned counsel has further submitted that except for the statement of the complainant there is no independent evidence connecting the petitioner with the alleged occurrence. Learned counsel has emphasized that the petitioner is stated to be in custody for a substantial

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period and the trial is likely to take considerable time to conclude. Furthermore, all material witnesses have already been examined and, therefore, there is no possibility of the petitioner influencing the prosecution evidence. Moreover, the investigation stands concluded; the challan under Section 193 of BNSS was presented on 07.06.2021 and charges were framed on 01.09.2021. Out of 27 prosecution witnesses, only 06 have been examined so far and 02 have been given up. Learned counsel has canvassed that the trial is like to take considerable time and the continued incarceration of the petitioner serves no fruitful purpose, especially when further custodial interrogation is not required. On the basis of aforesaid submissions, the grant of instant petition is entreated for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature. Raising submissions in tandem with the status report dated 24.02.2026 by way of an affidavit of Jangjit Singh, PPS, Deputy Superintendent of Police, City-2, District Patiala, filed in Court today, learned State counsel has iterated that the petitioner has been specifically named in the FIR and has attributed role of inflicting a knife blow on the abdomen of the deceased Deepak Kumar. It has been contended that the occurrence took place in broad daylight and the petitioner along with the co-accused, armed with deadly weapons, chased the complainant and the deceased & caused multiple injuries, which clearly reflects a premeditated and concerted attack. Furthermore, the medical evidence fully corroborates the ocular version and the injury attributed to the petitioner has been found to be sufficient in the ordinary course of nature to cause death. Learned State counsel has emphasized that mere fact that

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some witnesses have not supported the prosecution case does not dilute the gravity of the allegations at the stage of consideration of plea for bail, particularly when the petitioner is charged with an offence punishable under Section 302 IPC. Grant of bail at this stage would create a real apprehension that the petitioner may tamper with the remaining witnesses. Keeping in view the seriousness of the offence and the specific role attributed to the petitioner, the dismissal of the instant petition is prayed for.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. Indubitably serious allegations have been levelled against the petitioner. The factual matrix, as emerging from the record, reflects that on 14.03.2021 the complainant Raju Gir along with deceased Deepak Kumar has gone to the village temple for langar on the occasion of Shivratri. When they reached near the liquor vend at about 2:00/2:30 PM, the petitioner along with co-accused Lalla and Laddi Kana allegedly came out of the liquor vend in an intoxicated condition. They were stated to be armed with knives and after extending threats, chased the complainant and the deceased. Thereafter, both of them were surrounded behind King Sweets, Phase-1, Urban Estate, Patiala, where the present petitioner allegedly inflicted a knife blow on the abdomen of Deepak Kumar, who fell down and later succumbed to the injury whereas the complainant has also received multiple knife injuries at the hands of co-accused. The petitioner has been specifically named in the FIR and attributed a fatal role. The medical evidence, at this stage, *prima facie* supports the prosecution version regarding the abdominal injury suffered by the deceased. The contention of

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the petitioner regarding the alleged discrepancy in the name of the petitioner and the hostility of some witnesses pertains to appreciation of evidence, which cannot be conclusively adjudicated upon by this Court while deciding a plea for regular bail. At this stage, the nature of allegations *prima facie* points towards his complicity.

7. It is also not disputed that the trial is still in progress and out of 27 witnesses only 06 have been examined so far while 02 have been given up. The possibility of the petitioner influencing or pressurizing the remaining witnesses cannot be ruled out. Furthermore, an argument has been advanced on behalf of the petitioner that certain prosecution witnesses, namely PW-2 Raju Gir and PW-3 Rakesh Kumar, have not supported the case of the prosecution in its entirety and PW-5 has been declared hostile, hence, the petitioner is entitled to concession of bail. However, this Court is unable to accept such contention at this stage. It is well settled that the mere fact that some witnesses have turned hostile does not, by itself, entitle an accused to the concession of bail, particularly in a case involving an offence under Section 302 IPC where a specific and fatal role has been attributed to the petitioner in the FIR. Indubitably, the mere circumstances of witness(s) having turned hostile does not, *ipso facto*, result in their testimonies being effaced from the record or being discarded in *toto*. Their depositions are still a part of the evidentiary material and remain subject to scrutiny in light of other evidence that may be adduced by the prosecution. It is trite law that mere hostility of a witness does not obliterate the substratum of the prosecution case, nor not does it, by itself, confer a right of bail upon the accused, particularly in matters when the FIR contains a specific attribution



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to the petitioner and the medical evidence *prima facie* corroborates the nature of injury alleged to have been caused to the deceased. A profitable reference in this regard is made to the judgment passed by the Three Judge Bench of the Hon'ble Supreme Court titled as ***Bhagwan Singh vs. State of Haryana, 1976 AIR Supreme Court 202***, relevant whereof reads as under:

“8. xxxxxxxxxxxxxxxxxxxxxxxxx. *The prosecution could have even avoided requesting for permission for cross-examine the witness under Section 154 of the Evidence Act. But the fact that the Court gave permission to the Prosecutor to cross examine his own witness. Thus, characterizing him as, what is described as a hostile witness, does not completely efface his evidence. The evidence remains admissible in the trial and there is no legal bar to base a conviction upon his testimony if corroborated by other reliable evidence.*”

8. Still further, the Hon'ble Supreme Court in case titled as ***Koli Lakhmanbhai Chanabhai vs. State of Gujrat, 2000(1) RCR (Criminal) 26***, has reiterated that even if a witness turns hostile, the portion of evidence which is credible and corroborated can still be acted upon. The relevant para of the said judgment reads thus:

“5. xxxxxxxxxxxxxxxxxxxxxxxxx. *It is settled law that evidence of hostile witness also can be relied upon to the extent to which it supports the prosecution version. Evidence of such witness cannot be treated as washed off the record. It remains admissible in the trial and there is no legal bar to base his conviction upon his testimony if corroborated by other reliable evidence.*”

The offence alleged is under Section 302 IPC and involves the use of deadly weapons in a coordinated manner in a public place during daytime. At the stage of bail, this Court cannot undertake an appreciation of evidence or presume acquittal merely because certain witness(s) has resiled from their earlier statements. The grant of bail falls within the discretionary



domain of the Court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail at this stage.

9. In view of above ratiocination, it is directed as under:
- (i) The instant petition, being devoid of merit, is hereby dismissed at this stage.
 - (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
 - (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

February 25, 2026
Ajay

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