

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

110

2026:PHHC:079231

CRM-M-71597-2025 (O&M).
Date of decision: 20.05.2026.

SURESH KUMAR @ KALA

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

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

PRESENT Mr. Dushyant Rana, Advocate, (Legal-aid-counsel)
for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in
case bearing FIR No.57 dated 25.06.2023, under Section(s) 302, 34 and 120-
B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959,
registered at Police Station Bareta, District Mansa.

The aforesaid FIR was registered on the statement of Cheena
wife of Prem Kumar, resident of Bareta, District Mansa which reads thus: -

*“I am a resident of the above address and do domestic
work. Arsha, about 40 years ago, Prem Kumar, son of Kartar
Singh, resident of Bareta, had 6 children, three boys and three
girls, the eldest daughter Rekha, who is married to Somlal, son
of Vijay Lal, resident of Sardulgarh, the younger of her are my*

two sons Suresh Kumar and Rakesh Kumar, both of whom are married, who live on the upper floor of our residential house. We are a joint family. The younger daughter is my daughter Parveen Kumari, who is married to Davinder Khora, son of Pulinder Pal, resident of Jaspal Colony, Nabha. The younger daughter Parvinder Rani, who was to be engaged, is the younger Deepak Kumar alias Bachu, who lives in a separate Tibba Basti from our house and is married. It will be around 8 pm tomorrow. There was light from the electric lamps running inside our house. When I, my husband Prem Kumar and my daughter Parvinder Rani were present at our house, the gate of our house was closed, so someone knocked on the gate, so I went to the gate and When I asked who it was, the person knocking at the gate said, "I am Aunty Suresh Kumar and I want to talk to Uncle. Open the gate." When I opened the gate, Suresh Kumar, a resident of Fatehabad, and an unknown person, a resident of Ratia, who lived in our house near the bus stand on rent with Suresh Kumar, and two other unknown persons, tall, fair-skinned, with hair tied on their heads, whom I can recognize when they come face to face, came into our house. Suresh Kumar told my husband Prem Kumar that he would give me the taste of vacating the house. Two of these persons started firing at my husband Prem Kumar with pistols in their hands. My daughter Parvinder Rani brought my husband Prem Kumar to the bedroom to save him. They came into the bedroom from behind and fired at my husband Prem Kumar, who shot my husband in the face, shoulder, and other parts of his body. My husband fell down, and when we heard the screams of "Marta Marta", our neighbors gathered then, while firing again, they left the house and fled from place of occurrence with their weapons on motorcycles. Later, my son Deepak Kumar alias Bachu also came to place of occurrence. We arranged for a ride and took my husband Prem Kumar to the private Yash Hospital in Bareta. From there, on the advice of the doctor, we were taking my husband to the Civil Hospital in Budhlada for treatment.

However, my husband died on the way before reaching the hospital in Budhlada. His dead body has been kept in the Ashish Dead House Civil Hospital, Budhlada. Due to enmity, we had rented our house to Suresh Kumar, a resident of Fatehabad, and an unknown person, a resident of Ratia, about three months ago. Now, due to some compulsion, about 15 days ago, we had got Suresh Kumar and another boy to vacate the house, but both of them did not want to vacate the house, who had enmity with us for vacating the house. Because of which, Suresh Kumar, a resident of Fatehabad, along with his unknown associates, entered our house and attacked with their hand pistols and shot my family member Prem Kumar, killing him. I am the claimant and I want legal action to be taken against Suresh Kumar, a resident of Fatehabad, an unknown carpenter, a resident of Ratia, and two unknown persons whom I can identify if they come forward.”

Learned counsel appearing on behalf of the petitioner contends that the petitioner is in custody since 03.07.2023 and despite custody of nearly 02 years, no prosecution witness has been examined so far. He submits that already 33 opportunities have been granted to the prosecution to lead its evidence but no steps have been taken by the investigating agency to conclude the evidence. He contends that the recovery alleged to be from the petitioner is of a motorcycle and that the main assailant is another person by the name of Suresh Kumar son of Ram Das and not the petitioner herein. He contends that the purported motive projected by the prosecution behind the incident is that the petitioner, along with certain other persons, was residing as a tenant in the house belonging to the complainant and the deceased had got the premises vacated from petitioner and other occupants. Counsel for the petitioner submits that such a motive is weak and highly speculative.

State counsel submits that it is a case of an eye-witness account. The complainant is a witness to the incident and has given specific attribution including firing shots at her husband. There can be no dispute of identity as the petitioner was the tenant and known to the complainant. It is contended that it is an act of day light murder in a brazen display of violence.

State counsel, however, is not in a position to respond to the reasons for failure to record prosecution evidence. However, he vehemently contends that petitioner was specifically named in the FIR by deceased's wife who was the eye-witness to the incident.

I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the present petition.

Taking into consideration the arguments advanced by the parties and the evidence available on record. The recoveries effected and it being a case of a broad day light planned murder, no case for grant of regular bail to the petitioner is made out at this stage. However, this Court notices that there is no satisfactory explanation offered for the non-appearance of the prosecution witnesses despite 33 dates allegedly granted by the Court for examining the prosecution witnesses.

In view of above, while the present petition seeking grant of regular bail is dismissed, the Sessions Judge, Mansa, is directed to submit a report as regards the reasons for failure on the part of the prosecution to adduce any evidence and as to what effective steps have been taken by the respective Presiding Officers to ensure presence of the witnesses so that their testimonies are recorded.

Let the report be sent by the District and Sessions Judge, Mansa
within a period of two months.

May 20, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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