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

**CRM-M No.71939 of 2025
Date of Decision: 02.04.2026**

Amit Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. P. K. S. Phoolka, Advocate
for the petitioner.

Mr. K. D. Sachdeva, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.015, dated 26.01.2025, under Sections 103, 109, 333, 331(7), 115, 191(3), 190 of BNS, 2023 (Section 331(7) BNS enhanced and Section 333 BNS reduced), registered at Police Station Sadar Bathinda, District Bathinda.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Kala Singh. It was alleged that on 24.01.2025, there was a shagun ceremony of the son of complainant in his house. The relatives of the complainant including his brother, namely, Kuldeep Singh and his wife, namely, Seema Kaur, who were living in Mansa, along with their friend, namely, Jatinder had came to attend the shagun ceremony of his son. It was alleged that at about 09:30



P.M., Ram Singh armed with *Aari*, Ravi armed with *Iron Sabbal*, Amit, i.e. the petitioner, armed with *brick bat*, Sunny armed with *Kulhari*, Rajwati and Nisha armed with *brick bats* entered the house of the complainant and attacked upon them. Amit, i.e. the petitioner gave a *brick bat* blow on the head of the complainant. When the relatives tried to stop them, Sunny gave a blow of *Kulhari* on the head of Jatinder, which hit on the right side of his head. Ravi also gave two blows of *Sabbal* on the left side of head of Jatinder and on account of the injuries, he fell down on the ground. Ram Singh gave a blow of *Aari* on the left arm of his sister-in-law, namely, Seema and Nisha also gave two blows of brick bats on the head of his brother, namely, Kuldeep Singh. On raising alarm, all the accused fled away from the spot along with their respective weapons. Thereafter, the injured were admitted to the hospital for treatment but due to the injuries suffered by Jatinder, he was referred to AIIMS Bathinda. On 25.01.2025, Jatinder was again referred from AIIMS to Sukhmani Specialist and Trauma Centre, Bathinda for treatment, however, he succumbed to the injuries. Thus, the request was made to take the legal action against the culprits. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. The petitioner was arrested on 26.01.2025. The petitioner approached the Court of learned Additional Sessions Judge, Bathinda praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Bathinda declined the bail application filed by the petitioner vide order dated 04.07.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way



of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that the alleged occurrence has taken place on 24.01.2025. He has submitted that the petitioner as alleged by the complainant, namely, Kala Singh to have given a brick bat blow on his head. He has submitted that the fatal blow to the deceased, Jatinder has been alleged to the co-accused, namely, Sunny son of Ram Singh. He has submitted that the petitioner has been arrested on 26.01.2025. He has submitted that the petitioner was arrested on the basis of false and frivolous allegations. To buttress his arguments, learned counsel for the petitioner has submitted that the prosecution, on the conclusion of the investigation, had produced three eye-witnesses, namely, Seema, Kuldeep Singh and the complainant, namely, Kala Singh as PW-3, PW-2 and PW-1, respectively. He has submitted that all these three eye-witnesses were examined before the learned trial Court and all three have not supported the case of prosecution, and he, thus, submits that on the request of learned Additional Public Prosecutor, they have been declared hostile. He has placed on record copies of their deposition recorded before the learned trial Court, which is taken on record. He has further submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Reply dated 16.03.2026 by way of an affidavit of Harvinder Singh Sra, PPS, Deputy Superintendent of Police, Sub Division Rural,

District Bathinda on behalf of the respondent-State has been filed by the learned State counsel today in the Court, which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

5. *Per contra*, learned State counsel has also vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner along with the co-accused had committed the murder of Jatinder and he has given the brick bat blow on the head of complainant as well. He has submitted that even if the eye-witnesses have been declared hostile, however, whole testimony cannot be declined and their depositions, which is consistent with the case of the prosecution, can also be relied upon. He, on instructions, has submitted that out of total 27 prosecution witnesses, 03 witnesses have been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

6. Heard.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged occurrence has taken place on 24.01.2025. The case of the prosecution is based on the eye-witness account. Three eye-witnesses, namely, Seema, Kuldeep Singh and Kala Singh have been cited in the challan and all these three witnesses have been examined before the learned trial Court. Their deposition shows that they have not supported the case of the prosecution and thus, turned hostile and in their examination in chief they have stated that Ram Singh, Ravi, Amit never caused injuries to them. The petitioner was behind bars since the date of his arrest, i.e. 26.01.2025. Out of total 27 prosecution witnesses, 03



witnesses have been examined so far. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year and 02 months as on 01.04.2026. It further reflects that the petitioner is not involved in any other case.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the cases.

02.04.2026

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No