



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

CRM-M No.53997 of 2025 (O&M)

Reserved on: 29.09.2025

Date of Decision:30.09.2025

Rohit @ Kallu

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr.Chandan Singh Rana, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 105, 115(2), 3(5) of BNS, the FIR No.63 dated 15.03.2025, has been lodged in Police Station Division No.8, District Police Commissionerate Ludhiana. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition filed by the petitioner for bail under Section 483 of BNSS.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the statement of Ajay Kumar who stated that on 14.03.2025, at about 4.00 P.M, for Holi celebration, when he along with Raj Kumar, Rizwan, Mohammad Rakib and Anirudh Kumar was going to the house of his relative Kunal Pandit near Yes Bank, Ferozepur, one motorcycle carrying three persons came from left service lane and hit the motorcycle being



driven by Rizwan. According to complainant since all the motorcycle riders fell down on the ground, a quarrel ensued between them and in that quarrel injuries were inflicted with the help of bricks bat & stones and in the above mentioned incident of road rage Raj Kumar suffered injuries and fell unconscious. As per complainant, Raj Kumar was taken to hospital but he passed away. It was further stated by the complainant that name of the persons who hit the motorcycle of Raj Kumar, being driven by Rizwan, were Gurlal Singh, Guri and Lovekush.

3. Heard.

4. It has been contended by learned counsel for the petitioner that a false case under Section 304 IPC has been framed against the petitioner whereas, in fact, the incident in question is a motor vehicular accident, punishable under Section 304-A IPC. It has also been contended by learned counsel for the petitioner that the petitioner has already suffered sufficient incarceration and nothing is left to be recovered from the possession of petitioner and, therefore, he is entitled for the concession of bail.

5. Per contra, the learned State counsel has argued that the petitioner and his accomplice have taken away the life of one human being, which shows that serious and heinous nature of crime committed by them. According to learned State counsel the gravity of offence does not warrant concession of bail for the petitioner.

6. The record has been perused carefully.

7. In view of the facts & circumstances, following are the factors which are required to be taken into consideration for the decision of instant



bail petition:-

- i) that the petitioner has already suffered a long incarceration for being in custody for a period of more than 6 months;
- ii) that the maximum punishment prescribed for the offence is imprisonment up to 10 years;
- iii) that there is no allegations of previous enmity between the petitioner and deceased;
- iv) that the incident took place at the spur of the moment and, therefore, any intention of causing intentional death cannot be attributed to the petitioner;
- v) that nothing is left to be recovered from the possession of the petitioner;
- vi) that the investigation and trial are not likely to be concluded in near future;
- vii) that detention of the petitioner behind the bar is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence and influence the witnesses.

8. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and the present petition deserves to be allowed.

9. Hence, the present petition is hereby allowed, and the petitioner is



admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court.

10. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

30.09.2025

Manoj Bhutani

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