



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

CRM-M-19210-2024

Date of decision: 04.03.2025

Krishan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashish Soi, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.179 dated 06.12.2022 Annexure P-1, under Section 302, 34 and 120-B IPC, registered at Police Station P.A.U, District Ludhiana.

2. The allegations in brief are that deceased Vicky was working as a waiter with co-accused Balwinder Yadav and Balwinder Yadav withheld his wages worth Rs.5500/- and deceased was time and again asking his employer Balwinder Yadav to pay his wages and on this account, altercation took place between them. That on 05.12.2022 at about 9:30 PM, deceased was present in his house along with complainant Vijay Singh who is his real brother. At about 9:45 PM, both of them went outside their house for evening walk and when they were passing through street No.3, petitioner, co-accused Mani Sandhu and Vikas intercepted them. Co-accused Vikas and petitioner caught hold of Vicky and Mani Sandhu gave *khanjar* blow in back of Vicky who fell on the ground and then Vikas and Krishna gave kick and fist blows to Vicky and when complainant tried to intervene, he was also attacked by Mani Sandhu who caused injury on his



right leg with *khanjar*. Thereafter, petitioner Mani Sandhu and Vikas left the spot. Later on, Vicky died. There are also allegations that the said murder was planned by Balwinder Yadav who conspired with the aforesaid three accused to kill Vicky. During investigation, the petitioner was arrested.

3. Counsel for the petitioner submits that petitioner was falsely implicated in the present case and was having no enmity with the deceased and that even as per the allegations in the FIR, the petitioner was empty handed and he simply caught hold of Vicky while the fatal *khanjar* blow was given by co-accused Mani Sandhu and no such fatal injury is attributed to the present petitioner who was stated to have given kick and fist blows to the deceased after he fell on the ground. It is further submitted that the petitioner is incarcerated for the last more than 2 years and 2 months and is having no criminal history and the material witnesses namely complainant and Sudhir are already examined. It is further submitted that the complainant while appearing in the witness box tried to improve the case of prosecution by stating in the Court that the present petitioner gave *datar* blow to the deceased at the time of occurrence. However, in his cross examination, when the complainant was confronted he admitted that this fact was not disclosed by him while recording his statement before the police. It is further submitted that it will take time for the trial to conclude and that the main conspirator Balwinder Yadav is already given concession of regular bail by this Court vide order dated 27.02.2024 Annexure P-5. That in the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel who submits that the present petitioner actively participated in the occurrence and at the first instance, he caught hold of the victim and when the victim fell on the ground, the petitioner gave him kick and fist blow. The State counsel further submits that while appearing in the witness box, complainant stated that at the time of occurrence, the petitioner also gave *datar* blow to the deceased. However, the State counsel has not disputed the fact that FIR is silent with regard to any such *datar* blow given by the petitioner. The State counsel has also not disputed the fact that complainant



and one another witness namely Sudhir are already examined and it will take time for the trial to terminate and that co-accused Balwinder Yadav is already given concession of regular bail.

5. I have considered the submissions made by counsel for the parties.

6. As per the post mortem report, one stab wound was found on the back of the chest of the deceased and the cause of death was due to shock and hemorrhage due to aforesaid injury on the chest.

7. As per the allegations recorded in the FIR, no fatal injury is attributed to the present petitioner. Improvement if any made by the complainant in the prosecution case, while appearing in the witness box is to be taken up for consideration at the time of final arguments in the trial. The petitioner is incarcerated for the last more than 2 years and 2 months and the trial is not likely to be concluded in the near future and co-accused Balwinder Yadav who as per prosecution is the main conspirator is already given concession of regular bail. The exact complicity of the petitioner will be unfolded only at the time of conclusion of the trial. In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner for any longer period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

04.03.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No