



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-50062-2025 (O&M)

Date of decision: 12.09.2025

Kailash Nogriya @ Kailash Nath

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

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

Present :- Ms. Manju Goyal, Advocate;  
Mr. Rehan Gupta, Advocate;  
Mr. Pankaj Goyal, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

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**VINOD S. BHARDWAJ, J. (Oral)**

1. The instant petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in FIR bearing No.141 dated 08.12.2024, registered under Section 103 of Bharatiya Nyaya Sanhita, 2023 at Police Station Sadar Malout, District Sri Muktsar Sahib.

2. Briefly summarised, the case at hand was registered on the complaint of Vicky Kumar, who alleged that his younger brother Amandeep, employed as a decorator, had been working for the past two months with one Kailash Nogriya. On 05.12.2024, Amandeep left with Kailash Nogriya for a night function at L.G. Palace, Abohar-Malout Road. When Amandeep did not return, his family searched for him but in vain, leading to the lodging of a missing report at Police Station City Malout. Subsequently, the complainant learnt that an injured person had been referred from Civil



Hospital, Malout to AIIMS Bathinda, where they discovered Amandeep under treatment and unconscious. Around 11.00 p.m., Amandeep regained consciousness and disclosed that Kailash Nogrinya had assaulted him when he demanded payment of his labour charges for the decorator's work, and further threatened to kill him. The assault allegedly took place at village Malout near Alaska Hotel. Shortly thereafter, Amandeep again lost consciousness, and despite medical care, he succumbed to his injuries at 3.00 a.m. on 08.12.2024. Based on the complainant's statement, an FIR under Section 103 of the Bharatiya Nyaya Sanhita was registered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. She contends that the informant, who is none other than the brother of the deceased, has not supported the case of the prosecution in his deposition before the trial Court. An uncertified copy of his examination-in-chief as well as cross-examination has been annexed with the present petition. She contends that the present case is based solely on the purported testimony of the informant (brother of the deceased) about the deceased having told him that he had been assaulted by the petitioner. She contends that the investigation conducted does not disclose or explain in any cogent manner as to how, and in what manner, the injuries, if any, were inflicted by the petitioner. On the contrary, the consistent stand of the petitioner is that the deceased Amandeep had died in an accident, with which he had no connection whatsoever. It is also submitted that the petitioner has been in custody since 09.12.2024 and he is not involved in any other criminal case.



4. Learned counsel for respondent-State does not dispute the aforesaid specific assertions. A specific query was put to the counsel for the respondent-State as to whether any evidence has been collected by the Investigating Agency as would establish the participation of the petitioner in commission of the offence in question. He could not refer to any incriminating evidence that has been gathered from the spot, save and except the recovery of one assembled vehicle (TOKA), which are banned by the Hon'ble Supreme Court. A specific question was also put to the counsel for the respondent-State as to whether the medical examination of the deceased was undertaken with a view to corroborate the nature of injuries and the manner of their causation, he submits that the report received by him does not refer to any such material. Another query was also put to the learned State counsel as to whether the prosecution has explained the circumstances and the manner in which the injuries have been caused, he is not in a position to refer to any material from the evidence in this regard.

5. Having heard the learned counsel for the parties and taking into consideration the period of actual custody already undergone, informant (brother of the deceased) not supporting the case of the prosecution, and there being failure to refer to other corroborating evidence, I deem it fit to allow the instant petition.

6. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.



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7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

9. At the same time, this Court is anguished at the manner in which investigation in the present case has been conducted.

10. Mr. Iqbal Singh Sandhu, Deputy Superintendent of Police, Sub-Division, Malout who is present in the Court submits that departmental enquiry proceedings have already been initiated against the concerned Investigating Officer.

11. I do not find any reason to record any further. It is however expected that appropriate steps in the proceedings shall be taken.

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**12.09.2025***Mangal Singh*

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