



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-1594-2025

Reserved on: 5th August, 2025

Pronounced on: 12th August, 2025

Pawan Kumar @ Babba

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. A.S. Manaise, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 44 dated 18.04.2024 registered under Sections 302, 148, 149 and 201 of IPC at Police Station Shahpurkandi, District Pathankot.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Rahul Kumar on 18.04.2024, alleging therein that his younger brother Pankaj Kumar @ Panku, i.e. the victim, was running a hair-cutting saloon. On the same day, he was called by the non-applicant-accused Vinod @ Sonu Danna. The complainant, along with the victim and his friend Vikas @ Vicky, had reached the informed place at about 5 pm. On reaching there, they found the petitioner and co-accused Vinod @ Sonu Danna, Rahul @ Kakka and Anil Kumar @ Ninja present there being armed with weapons. They encircled the victim, his friend, and the complainant. Accused Vinod Kumar made an exhortation that the victim should not be spared on that day and then he opened an



assault upon the victim by striking blows with a *datar* on his head. Accused Ranjit Singh struck blows with *kirpan* and then the petitioner and others also gave blows with their respective weapons to the victim, thereby causing him several injuries. The clamour being raised by the complainant and Vikas attracted other persons and then the assailants fled. The victim was rushed to the hospital but succumbed to the injuries and died. The motive for killing the victim was business rivalry with accused Vinod Kumar and Rahul @ Kaka. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 19.04.2024. He suffered a disclosure statement and got recovered a *datar* in pursuance thereof. Presently, he along with the co-accused is facing trial for the commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific role has been attributed to him. There is delay of four hours in reporting the matter to the police. The fatal injuries had not been attributed to him but to the co-accused Vinod Kumar and Ranjit Singh. He had no enmity with the victim. The complainant and eyewitnesses Vikas @ Vicky and Rahul Kumar have not supported the prosecution version. PW-2 Santosh Kumar i.e. father of the victim was not an eyewitness of the incident. Trial will take considerable time to conclude. He has been in custody since long. His further incarceration would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned State counsel that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail.



Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have assaulted the victim Pankaj Kumar and caused his homicidal death. PW-1 Vikas Kumar eye-witness to the occurrence and PW-6 Rahul Kumar, brother of the victim, who was an eyewitness to the occurrence as well as complainant have not implicated the petitioner in the offence of murder of the victim. Copies of their sworn depositions have been placed on record and it is revealed therefrom that both of them stated that the petitioner was not amongst the assailants of the victim-Pankaj. The petitioner has been in custody since 19.04.2024. Trial will take time to conclude. Keeping in view the nature of the evidence that has come on record, period of incarceration of the petitioner and the attendant facts and circumstances but without meaning to make any comment upon the merits of the case, lest they prejudice the trial, this court is of the considered opinion that the petition deserves to be allowed. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th August, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*