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

**CRM-M No.23341 of 2025  
Date of Decision: 06.05.2025**

**Parvez Ali @ Bunty and others****..... Petitioners****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present: Mr. G. S. Dhot, Advocate and  
Mr. G. S. Mohra, Advocate  
for the petitioners.

Mr. J. S. Arora, DAG, Punjab.

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**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.33, dated 04.04.2024, under Sections 302, 341, 323, 506, 34 of IPC, registered at Police Station City-II, Malerkotla, Punjab (Annexure P-1).

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of Sitara Khatun, w/o Samshad (deceased). It was alleged that on 03.04.2024 at about 01:00/02:00 P.M. in the afternoon, her husband Samshad came home for his meal. In the meantime, their neighbours Parvez Ali @ Bunty, Kayam Hussain @ Kayam and Sajeb Hussain @ Sunny came in front of their house. Kayam Hussain @ Kayam and Sajeb Hussain @ Sunny were empty handed whereas Parvez Ali @ Bunty was holding a Bat. All of three started



abusing her husband and started saying that they will teach a lesson to Samshad. Kayam Hussain @ Kayam and Sajeb Hussain @ Sunny surrounded her husband Samshad and thereafter both of them started beating her husband with fist and kick blows. Kayam Hussain @ Kayam caught hold her husband whereas Parvez Ali @ Bunty hit the bat on the head of her husband on which he fell down. On raising alarm by her, all three persons escaped from the scene of occurrence. She shifted her husband to Civil Hospital, Malerkotla. Thereafter taking into consideration his condition, her husband was ultimately referred to PGI, Chandigarh. However during the treatment, he succumbed to his injuries on 06.04.2024 and thus, the offence under Section 302 of IPC was also added. On registration of the FIR, the investigation commenced. Petitioners were arrested on 11.04.2024. On conclusion of the investigation, the challan was presented and on framing of the charges, the trial commenced. The petitioners approached the Court of learned Additional Sessions Judge, Malerkotla praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Malerkotla declined the petitions filed by the petitioners vide orders dated 04.04.2025 & 15.04.2025, respectively. Hence being aggrieved, the petitioners are before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioners has submitted that he does not want to press the present petition qua petitioner No.1, namely, Parvez Ali @ Bunty.

4. Allowed as prayed for.



5. The present petition is dismissed as not pressed qua petitioner No.1, namely, Parvez Ali @ Bunty.

6. Learned counsel for the petitioners has vehemently contended that petitioners No.2 & 3 have been falsely implicated in the present case. He has submitted that the petitioners and the complainant, both are neighbours and the alleged dispute was totally on some misunderstanding between them. He has submitted that in the facts and circumstances in which the dispute has taken place did not even constitute the offence under Section 302 IPC. He has submitted that even otherwise the role alleged against the petitioners is that they surrounded the husband of complainant and caught hold of him. He has thus submitted that the overt act is also not attributed to them. To buttress his arguments, he has submitted that the complainant in the present case, who is the wife of deceased, Samshad, has been examined before the learned trial Court as PW-1 and she has not identified the accused wherein she has deposed that the accused were muffled face, thus, on the request of Public Prosecutor, she has been declared hostile. He has submitted that the eye-witness herself has not supported the case of prosecution and thus in the facts and circumstances, petitioners No.2 & 3 deserve to be granted bail.

7. *Per contra*, learned counsel for the State has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that case of the prosecution is based on the eye-witness account. He has submitted that even if the eye-witness has not supported the case of prosecution, her whole deposition cannot be discarded and the part of her deposition which is consistent can always be relied upon. He



has submitted that the petitioners had duly participated in the occurrence and with the common intention, they have caused the murder of husband of complainant. He has submitted that out of 17 prosecution witnesses, 05 witnesses have been examined. He has also placed on record custody certificate of the petitioners. It further shows that Sajeb Hussain @ Sunny is not involved in any other case whereas Kayam Hussain @ Kayam is convicted in one more case bearing FIR No.92, dated 11.08.2014, under Section 22, 27-A, 29 of NDPS Act, registered at Police Station City-1, Malerkotla.

8. Heard.

9. After hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR in the present case was registered on the statement of Sitara Khatun. Both the petitioners have been alleged to have caught hold of the deceased. The bat blow on the head of the deceased was attributed to accused, namely, Parvez Ali @ Bunty. The complainant has been examined and she has not supported the case of prosecution. Out of 17 prosecution witnesses, 05 witnesses have been examined so far. Custody certificate shows that Sajeb Hussain @ Sunny is not involved in any other case whereas Kayam Hussain @ Kayam is convicted in one more case under the NDPS Act.

10. 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.

11. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned



counsel for the petitioners succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed qua petitioners No.2 & 3 and the petitioners, namely, Sajeb Hussain @ Sunny and Kayam Hussain @ Kayam are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if petitioner, namely, Kayam Hussain @ Kayam does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

**06.05.2025**

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**(RAJESH BHARDWAJ)  
JUDGE**

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