



217

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-22262-2026****Date of Decision: 15.07.2026****AKHILESH****...Petitioner****Vs.****STATE OF PUNJAB****...Respondent****CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Gaurav Singla, Advocate for the petitioner.
Ms. Navreet Kaur, AAG, Punjab.

VIRINDER AGGARWAL, J. (Oral)

1. The present is the fourth petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), seeking the grant of regular bail to the petitioner in case FIR No. 77 dated 25.04.2023, registered under Sections 302, 365, 323, 148 and 149 of the Indian Penal Code, 1860 (corresponding to Sections 103(1), 140(3), 115(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023), at Police Station Sadar Ludhiana, District Ludhiana (Annexure P-1). 1.

2. As per the prosecution, the present FIR was registered on the statement of Jaswant Singh, father of the deceased Ujjwal Kumar. It is alleged that on 24.04.2023 at about 8:30 A.M., the complainant received a telephonic call from Amit Kumar informing him that his son Ujjwal Kumar had been admitted in Civil Hospital, Ludhiana. During the course of treatment, Ujjwal Kumar succumbed to the injuries at about 11:00 A.M. on the same day.

2.1 It is further alleged that Amit Kumar disclosed that on the intervening night of 23/24.04.2023, at about 10:00 P.M., he along with Samma and Ujjwal Kumar (since deceased) was returning on a motorcycle after



attending a fair and, when they reached near Green City, Dhandra Road, an Innova vehicle bearing registration No. PB-10EC-0097, occupied by 5-6 persons, intercepted them. The occupants of the said vehicle allegedly restrained them and started giving beatings to them. It is alleged that Samma managed to escape from the spot, whereas the assailants continued to assault Amit Kumar and Ujjwal Kumar with sticks and baseball bats and thereafter forcibly put them in the Innova vehicle.

2.2 The prosecution further alleges that the accused persons also took away their motorcycle and thereafter took Amit Kumar and Ujjwal Kumar to an open plot, where they were again subjected to beatings. It is alleged that the assailants were addressing each other by their names while causing injuries to them. Thereafter, on noticing their deteriorating condition, co-accused Sidhant and Dhiraj allegedly took both the injured persons to Green City, Dhandra Road, abandoned them there and called for an ambulance. Amit Kumar was discharged after receiving first aid, whereas Ujjwal Kumar was admitted in the hospital and subsequently expired due to the injuries sustained by him. On the basis of the aforesaid allegations, the present FIR was registered against the petitioner and the co-accused persons.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there is no specific allegation or overt act attributed to him in the FIR. It is contended that the name of the petitioner does not find mention in the initial version of the complainant and no specific role has been assigned to him regarding the alleged occurrence. It is argued that the implication of the petitioner is based on subsequent



investigation and the petitioner has been roped in without any specific material connecting him with the alleged offence.

3.1 Learned counsel further submits that the investigation in the present case stands concluded and the final report under Section 173 Cr.P.C. has already been presented before the learned Trial Court on 24.07.2023. The case was thereafter committed to the Court of Sessions vide order dated 31.05.2024 and charges were framed on 17.04.2025. However, despite the framing of charges, not even a single prosecution witness has been examined out of the total 21 witnesses cited by the prosecution. It is submitted that the case has been adjourned on numerous occasions for recording prosecution evidence and the trial is likely to take considerable time to conclude. Therefore, continued incarceration of the petitioner would serve no useful purpose and would amount to pre-trial punishment.

3.2 It is further submitted that the petitioner is in custody since 08.05.2023 and has already undergone a substantial period of incarceration and all the other co-accused persons have already been granted the concession of regular bail by this Court and the petitioner is entitled to seek parity with them.

3.3 Learned counsel submits that the earlier application for regular bail filed by the petitioner before the learned Judge, Special Court, Ludhiana, which was dismissed vide order dated 30.09.2024. Thereafter, the petitioner approached this Court by filing CRM-M No. 64525 of 2025 seeking regular bail. The said petition came up for hearing on 12.05.2025, when learned State counsel apprised this Court that the petitioner was not in custody in the present FIR as he was undergoing sentence of six months in another case



bearing FIR No. 78 dated 27.03.2018, registered under Sections 353/186/332 IPC at Police Station Tripuri Town, District Patiala. In view of the said statement, the petition was permitted to be withdrawn. Learned counsel further submits that after suspension of the sentence awarded to the petitioner in the said case, the petitioner again approached this Court by filing CRM-M No. 41051 of 2025 for grant of regular bail in the present FIR. However, the said petition was dismissed as withdrawn at that stage vide order dated 05.08.2025. Thereafter, the petitioner once again approached this Court by filing CRM-M No. 6944 of 2026 for grant of regular bail, which was also dismissed as withdrawn at that stage vide order dated 11.02.2026. It is submitted that the present petition has been filed in view of the changed circumstances, particularly the prolonged custody of the petitioner, delay in commencement of trial and the fact that the co-accused have already been granted bail.

3.4 Learned counsel also submits that although the petitioner is stated to be involved in other criminal cases, he is on bail in all those matters and no proceedings have been initiated alleging misuse of liberty. It is contended that mere pendency of other cases cannot be a ground to deny bail when the petitioner has already been granted bail therein and is willing to abide by any condition imposed by this Court.

4. Notice of motion.

5. Ms. Navreet Kaur, AAG, Punjab, has put in appearance on behalf of the respondent-State and has filed the custody certificate dated 14.07.2026, which is taken on record, subject to all just exceptions. As per the custody certificate, the petitioner has already undergone a total custody period of 02 years 07 months and 21 days.



6. Learned State counsel opposes the grant of regular bail to the petitioner and submits that the allegations against the petitioner are serious in nature, as the present case pertains to the death of Ujjwal Kumar. It is contended that the role of the petitioner has emerged during investigation and the material collected by the prosecution *prima facie* connects him with the alleged offence. He further submits that the petitioner is involved in several other criminal cases, including cases under the NDPS Act and Arms Act, which reflect his criminal antecedents.

7. Be that as it may, keeping in view the period of custody already undergone by the petitioner, i.e. since 08.05.2023, coupled with the fact that the investigation has been completed, the final report/challan stands presented before the learned Trial Court, charges have already been framed on 17.04.2025, and none of the prosecution witnesses have been examined till date out of the total 21 witnesses cited, this Court is of the considered opinion that the conclusion of the trial is likely to take considerable time. All other similarly situated co-accused has been released on bail.

8. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (CrI.) No. 8523/2024). In the present case,



the trial is likely to consume considerable time before reaching its logical conclusion. In these circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

9. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

- 1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.*
- 2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.*
- 3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.*
- 4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.*



5. *The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.*

6. *The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.*

7. *The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.*

(VIRINDER AGGARWAL)
JUDGE

15.07.2026

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