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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-7060 of 2025  
Date of Decision: 19.11.2025

Raj Kumar @ Sonu Gulati

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Arpan Sabharwal, Advocate  
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

Mr. Rana Harjasdeep Singh, Advocate  
for the complainant.

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**RUPINDERJIT CHAHAL, J (ORAL)**

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.40 dated 13.05.2024 registered under Sections 341, 323, 148, 149 and 506 of IPC (Sections 324 IPC deleted and Sections 325, 307 and 295-A IPC added later on), at Police Station Daresi, District Ludhiana.

2. Brief facts of the present case are that as per the prosecution, the petitioner in connivance with other co-accused brutally attacked and caused injuries to the complainant with an intention to kill him.



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3.            Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argues that the petitioner along with co-accused Binny Nagpal and other co-accused had started hitting on the legs of the complainant with *gandasi*. He further argues that if the contents of the FIR are taken to be true, even then no specific injury has been attributed to the present petitioner as the petitioner is shown to be giving *gandasi* blows on the legs of the complainant together with co-accused and therefore, it is difficult to ascertain as to who has given the actual blow to the complainant, which itself is on the non-vital party of the body and not dangerous to life. Therefore, ingredients of Section 307 of IPC are not attracted in the present case. He further contends that specific injury with *datar* blow was attributed to co-accused Pardeep Khanna @ Lucky Khanna and he has been released on bail by a Co-ordinate Bench of this Court, vide order dated 18.02.2025. Further, co-accused Lakshay Khanna, who had inflicted injury with *iron rod* at the head of the complainant, has also been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 04.04.2025. No recovery is to be effected from the petitioner. The petitioner is in custody since 18.07.2024. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 23 prosecution witnesses but none has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.



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4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner in connivance with other co-accused had attacked the complainant brutally. However, he has not controverted the fact that petitioner is a first time offender as he is not involved in any other case.

5. Learned counsel for the complainant, while opposing the prayer for grant of regular bail to the petitioner, has contended that the petitioner has played an active role in the crime and, thus, does not deserve the concession of bail.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner has been in custody for more than 01 year and 03 months; he has clean antecedents, investigation is complete; challan stands presented; charges framed; no prosecution witness has been examined; the complicity of the petitioner is a matter of trial, and the trial is likely to take a long time to conclude. No useful purpose would be served by keeping the petitioner in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement

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of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

**19.11.2025***D.Bansal***(RUPINDERJIT CHAHAL)  
JUDGE**

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