

2025:PHHC:080375



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

CRM-M-8778-2025 (O&M)

Date of decision: 07.07.2025

Veer Davinder Singh @ Davinder Singh @ Binder Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kunal Choksi, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab, with ASI Avtar Singh

MANJARI NEHRU KAUL, J. (ORAL)

CRM-24885-2025

Application is allowed, as prayed for.

Copies of zimni orders as Annexure P-4 are taken on record
subject to all just exceptions.

CRM-M-8778-2025

1. Prayer in this second petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner, pending trial, in case FIR No.68, dated 02.12.2023, under Sections 323, 379-B, 34 IPC (Section 411 IPC added lateron), registered at Police Station City Kurali, District S.A.S. Nagar (Mohali).

2. At the outset, a pointed query has been put to learned counsel as to what is the material change in circumstances warranting the

acceptance of the instant petition since the previous petition filed by the petitioner was dismissed on 16.04.2024 vide a detailed order. It has been contended by the learned counsel that trial has come to a virtual standstill as it is a matter of record that the case is being adjourned repeatedly before the Trial Court on account of continuous non-appearance of most of the prosecution witnesses, who are police officials. It has been contended that the sole material witness i.e. the complainant, already stands examined. Hence, in the circumstances, further incarceration of the petitioner, who has no previous criminal antecedents, would serve no useful purpose and it virtually amounts to compromising with the right of the petitioner to a speedy and fair trial.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner has been in custody since 16.12.2023. It has also not been disputed, on instructions, that after the charges were framed on 13.03.2024, only 01 prosecution witness (complainant) out of the 12 cited has been examined. Learned State counsel has not disputed the contents of the zimni orders which have been annexed with the petition, wherein it indeed stands reflected that the trial has been prolonged due to reasons attributable to the prosecution and prosecution alone; on most of the dates of hearing, the prosecution witnesses have failed to appear themselves despite the issuance of bailable and non-bailable warrants to secure their presence, and on some of the dates of hearing, the jail authorities did not produce the petitioner before the Trial Court concerned. Learned State counsel has also not been

able to dispute, on instructions, that the petitioner has no previous criminal antecedents and the FIR in question, annexed as Annexure P-1, was registered against unknown persons. However, he has reiterated the following allegations levelled in the FIR in question:-

“Copy of the statement of Ravinder Singh Son of Harjag Singh Resident of village Kadimajra, PS Majri, District SAS Nagar aged about 22 years, Mobile No. 98557-22528. Stated that I am the resident of the above said address and I am working in Deltron Electronic Company Phase 8B near sector 91 Mohali. Like every day, I was returning back after finishing work to my home on my activa bearing No. PB 27 J 2262, as soon as I reached at Padiala Bye Pass near Motia Group Kurali, one person having hair cut, signalled me for a lift. I stopped upon seeing him. As soon as I stopped, an another person came from behind and hit with an iron rod on my head. I became unconscious and fell down. Both the unknown persons snatched and took away my activa bearing the aforesaid number, my mobile phone make vivo in which sim No.6280192430 in operational and whose IMEI no. is 867902046708193 and took away my jacket as well after removing the same from my body. They also took away my important documents which were lying in the activa. When I regained consciousness, I walked upto Prabh Asra Hospital, Kurali and the doctors of Prabh Asra Hospital after giving me First Aid, sent me home. Due to being overly perplexed I went home at that time. Today I was coming alongwith my father Harbag Singh to report the matter to you at the Police station. You have met me at the Bus stand Kurali along with the Police Party. Appropriate action be taken against the unknown persons. I have got my statement recorded to you. Read it,

heard it, it is correct. Sd/- Ravinder Singh Verified by: Harbag Singh. Attested by ASI Bhupinder Singh. PS City Kurali. Dated 02/12/2023.”

4. It has been further submitted by the learned State counsel that while deposing before the Trial Court, the complainant had supported the case of the prosecution and identified the petitioner as being one of the alleged assailants.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 16.12.2023, and as not disputed, sole material witness i.e. the complainant, stands examined. The other prosecution witnesses despite issuance of bailable and non-bailable warrants have, for reasons best known to them, not been appearing before the Trial Court to get their evidence recorded. In the circumstances, the petitioner cannot be made to languish in custody to await their appearance. Furthermore and pertinently, since the complainant stands examined, there can be no apprehension of the petitioner tampering with evidence or intimidating the witnesses.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that

anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

July 07, 2025
sanjeev

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