



CRM-M-9399-20251

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

225

CRM-M-9399-2025

Decided on : 16.07.2025

Rahul @ Pardeep

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Daljeet Singh, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rahul@ Pardeep	141	30.12.2023	323, 324, 325, 326, 341, 148 and 149 of IPC	City-2, Abohar	Fazilka

2. Learned counsel for the petitioner submits that although the petitioner is alleged to have been armed with a stick, he has only been attributed the role of catching hold of the witness, namely Bittu (uncle of the complainant), and no specific injury has been attributed to him.

Counsel further submits that all the alleged offences are triable by the

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Court of the learned Magistrate. Petitioner is in custody since 08.01.2025, which amounts to more than seven months of incarceration.

In addition to this, counsel further points out that there is an unexplained delay of 11 days in the registration of the FIR. Therefore, it is argued that allegations against the petitioner are yet to be substantiated through evidence during the course of trial by the prosecution.

3. It is further submitted that although the investigation has been completed and final report has already been filed, process of recording of the statements of the witnesses is yet to commence. In such circumstances, conclusion of the trial does not appear to be imminent. Therefore, it is argued that liberty of the petitioner should not be curtailed for an indefinite period. Thus, prayer has been made for grant of regular bail to the petitioner in the present case.

4. Learned State counsel has filed reply by way of affidavit of Sukhwinder Singh Brar, PPS, Deputy Superintendent of Police, Sub Division Abohar, District Fazilka on behalf of respondent/State, in Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with paper-book.

Learned State Counsel also concurs with the submission made on behalf of the petitioner regarding the limited role attributed to him. However, learned State counsel does not dispute the current status of the investigation and trial, and fairly concedes that, as of now, not a single prosecution witness has been examined, although charges have already been framed.

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5. Considering the submissions addressed by counsel for the parties, and taking into account the fact that trial is yet to commence and all the alleged offences are triable by the Court of learned Magistrate, this Court finds merit in the present petition. It is also relevant to note that no injury under Section 326 IPC (now Section 118(2) of the Bharatiya Nyaya Sanhita) has been attributed to the petitioner; rather, the petitioner has only been assigned the role of catching hold of the witness, namely Bittu.

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

16.07.2025
Rashmi

Whether Speaking/Reasoned: ✓ **YES/NO**
Whether Reportable: ✓ **YES/NO**