

2025:PHHC:060220



238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15573-2025
Date of Decision: 07.05.2025

Rajan Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner(s).

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

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail to the petitioner in the added (later on) Section 118(2) of BNS in case FIR No.121 dated 19.09.2024 under Sections 304 (249, 61(2), 118(2) added later on), BNS, 2023 registered at Police Station Khalra, District Tarn Taran.

2. It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner was arrested on 21.10.2024. However, he was granted bail by the learned JMIC, Patti vide order dated 30.10.2024. He further submits that in order to frustrate the bail order, the investigating agency added offence under Section 118(2) of BNS (Section 326 of IPC) in the FIR and hence, the petitioner was again arrested on 17.02.2025. He further submits that the allegation against the petitioner are to the extent that he harboured the

co-accused after he committed the offence. It is further submitted that the alleged injury falling under Section 118(2) of BNS (Section 326 IPC) is not attributed to the petitioner. He further submits that the petitioner has no criminal antecedents and investigation in the present case is already complete. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted bail.

3. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has harboured the co-accused and thus, has actively participated in the conspiracy hatched. He further submits that only challan has been presented and the charges are yet to be framed. Hence, the petitioner does not deserve the concession of bail.

4. Heard.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner was earlier granted bail by the Ld. JMIC, Patti vide order dated 30.10.2024. However, it is after granting the bail, the offence under Section 118(2) of BNS has been added and hence, he was again arrested. The injury falling under Section 118(2) of BNS is not attributed to the petitioner and for the offence as alleged in the FIR, he has already been granted bail. Investigation is already complete. The custody certificate shows that no other case is pending against the petitioner.

6. The veracity of the allegations and counter 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised

by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.05.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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