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

CRM-M-26555-2025 (O&M)

Date of Decision:28.05.2025

DEEPAK ALIAS DEEPU

...PETITIONER

VS.

STATE OF UT CHD.

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Amit Kumar, Advocate
for the petitioner.

Mr. Balram Singh, APP, U.T. Chandigarh

N.S.Shekhawat J. (Oral)

CRM-20784-2025

For the reasons mentioned in the application, the same is allowed,
subject to just all exceptions.

Annexures P-3 & P-4 are taken on record.

Main case

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.223 dated 03.11.2024, registered under Sections 115(2), 117(2), 118(1), 126(2), 351(2), 351(3), 3(5) of BNS, 2023 and added 109 of BNS, 2023, Police Station Sector 31, Chandigarh.



2. The FIR in the present case was registered on the basis of the statement made by Harnek Singh and the same has been reproduced below:-

“Statement of Harnek Singh S/o Sh. Sant Ram R/o H No 446, Near Ravidas Mandir, Hallo Majra, Chandigarh Age-28 Yrs, Mob No. 9888607518 stated that I am residing at above said address alongwith with my family and doing private job. I went to Jagrata on 02.11.2024 at back side Govt. school Hallo Majra and I was coming back at about 11:00 pm and in the meantime one boy namely Deepu alongwith his accomplice whose names I do not know but I can identify them if comes before me. All of them surrounded me, that Deepu was carrying a knife-like thing and his other accomplice were carrying wooden sticks. Deepu started abusing me and when I stopped him then Deepu started quarrelling with me, that Deepu gave knife blow on my right shoulder and left side abdomen and his accomplice gave several blows of wooden sticks upon me. Due to that my left leg got fractured and also sustained injuries on my mouth and other part of body. When I scream bachaobachao then Deepu and his accomplice ran away from the spot and while going threatened me that if I disclose about them to anybody, they will kill me. I request you to take legal action against Deepu and his accomplice. Statement got recorded heard which is correct Sd/- Harnek Singh.”

3. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, the petitioner had given blows with knife on the shoulder and left side of abdomen of the complainant. However, the injured has already been discharged from the hospital. He further contends that the petitioner was arrested in the present case on 03.11.2024 and challan has already been presented against him. Learned counsel further submits that



the offence under Section 109 of BNS has been added only to make the offence graver.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is still unable to pursue his daily routine and had suffered serious injuries on his person. However, there is no medical evidence to support the claim that the complainant has not still recovered completely. He further submits that the petitioner belongs to the same locality and he may intimidate the witnesses in the present case.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. The petitioner is confined in jail for the last 06 months and even charge has not been framed against him. Thus, there are no chances of early conclusion of the trial. Even the apprehensions expressed by learned State counsel can be allayed by imposing stringent conditions on the petitioner, while granting the concession of bail to him.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.



(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

28.05.2025
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(N.S. SHEKHAWAT)
JUDGE

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