

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

2025:PHHC:103344



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CRM-M-28544-2025

Date of decision: 11.08.2025

Sahil Singh @ Chandan @ Chander

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Suersh Kumar Arya, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

SUMEET GOEL, J. (ORAL)

1. This is the second petition filed under Section 483 of BNSS 2023 on behalf of the petitioner for grant of regular bail in case bearing FIR No.200 dated 02.10.2023, registered for the offences punishable under Sections 379, 323, 34 of IPC (Sections 379B, 201, 411 of IPC added lateron and Section 379 of IPC deleted lateron) at Police Station Chheharta, Tehsil & District Amritsar, Police Commissionerate Amritsar.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Prabjot Singh son of Kuldeep Singh resident of Makhi Muhalla, Ghanupur, Kale Chheharta, Amritsar age 19 years, mobile no. 99156-39882 stated that I am resident of above said address and working at Atlatis Hospital. That on dated 18.09.2023, as usual after finishing my duty, I was going

towards my house, when I arrived near of my house, then Sahil alias Chander son of Jagtar Singh, Rohit son of Sukhdev Singh residents of Near Tochi Wali Gali, Kishan son of Sikander Singh resident of Makhi Muhalla, Munna Pari were standing in my Muhalla Juimal Singh. On seeing me, they started abusing, my father Kuldeep Singh and my mother came out for escape me and they all started giving us injuries with sticks and bracelets and also pushed. They inflicted injuries in head of my father with their bracelet (Karha) and also hit bracelet (Karha) and sticks on my head. The reason of this fight is that the above said persons are drug addicted. I stopped them for doing this and said to inform police. That my mobile phone marked Redmi-5G and Rs. 10,000/- were took out from pocket of my pant during this quarrel. My family arranged for vehicle and admitted my father and me at Civil Hospital and this incident occurred at about 10:30 PM. Now we are getting treatment at Guru Nanak Hospital. The statement has been recorded, which is correct. That respectable persons were trying to make out compromise, but it was failed. Sd/-Prabhjot Singh verified by Satnam Singh ASI of Polcie Post Ghanupur Kale ASR dated 02.10.2023.”

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that there was an impending dispute between the petitioner and complainant-side, on account of which the petitioner has been roped into the FIR in question. Learned counsel for the petitioner has further iterated that the petitioner is in custody since 05.10.2023. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 08.08.2025 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 05.10.2023 whereinafter investigation was carried out and challan was presented on 01.12.2023. Total 13 prosecution witness have been cited, out of which only 5 have been examined till date. It is not in dispute that culmination of trial will take its own time. The rival contentions raised at Bar give rise to debatable issues shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

This is the second petition preferred on behalf of the petitioner seeking regular bail. The earlier petition was dismissed on 27.08.2024 (Annexure P-3). However, keeping in view the extended custody of the petitioner since the dismissal of the earlier plea on 27.08.2024 as also the progress of the trial, this Court favourably consider the plea for grant of regular bail to the petitioner.

6.1. As per custody certificate dated 08.08.2025 filed by the learned State counsel, the petitioner has suffered incarceration for a period of 1 year, 9 months and 30 days. Further, as per the said custody certificate the petitioner is stated to be involved in 03 more cases. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the

facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number

without prior permission of the trial Court/Illaqa Magistrate.

- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that she has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after her being enlarged on bail in the present FIR, on the basis of her affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of her bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 11, 2025
Naveen

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