

2025-PHHC-147291



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

**CRM-M-28844-2025
Date of Decision: 28.10.2025**

Harvinder Singh @ Babbu Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Aajeshwar Singh Grewal, Advocate, for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, an accused in case FIR No.47 dated 12.04.2024 registered against him, under Sections 307/452/324/323/34 IPC, at Police Station Civil Lines, District Bathinda, has filed the present petition for grant of bail under Section 483 of BNSS.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

“Criminal proceedings in the present case were initiated against petitioner namely Harvinder Singh @ Babbu Singh, as also against Maninder Singh @ Mammu, on the complaint of Amrik Singh, who alleged therein that at about 11:30 am on 09.04.2024, he was visiting the clinic of his son Parminder Singh, who is a RPM (Registered Medical Practitioner) and is running his clinic at Street No.5, Dhobiana Basti, Bathinda, while he (c) was present in the clinic, petitioner who was armed with an iron rod barged in and without any verbal altercation etc. assaulted Parminder Singh, as also threatened to kill him. As a result of this onslaught, Parminder Singh fell down. Even thereafter, both petitioner and his accomplice continued assaulting the boy. Serious injuries were inflicted upon

Parminder Singh. When he (c) raised an alarm the assailants fled away. Immediately arrangements were made and injured was rushed to the hospital. On the basis of the said complaint, medico legal report and opinion of the doctor, a formal case bearing FIR No.47 dated 12.04.2024, u/s 307/452/324/323/34, at Police Station Civil Lines, District Bathinda was registered against the petitioner and other co-accused.

3. Application for grant of bail moved by the petitioner-accused was dismissed by Ld. ASJ, Bathinda vide order dated 09.07.2024. Aggrieved of the same, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case and only with a view to connect him with the commission of offence, false recovery of 'iron rod' has been planted upon him. Further on culmination of the investigation, challan has been filed, charges have been framed. Moreover, though complainant, injured and few others witnesses have been examined but even then the completion of trial is likely to take some time and thus, further incarceration of petitioner in custody would not serve any useful purpose.

Continuing further learned counsel contends that the other accused namely, Maninder Singh @ Mammu, who was also involved in the incident has since been granted concession of bail. It has thus been prayed that in view of the submissions advanced hereinabove, as also on the ground of parity similar treatment be meted out to the present petitioner, who has been in custody since 12.04.2024. Prayer for allowing the petition has been made.

5. Per contra, learned State counsel opposes the request for grant of bail on the ground that petitioner after entering into the clinic of Parminder Singh mercilessly assaulted him with an iron rod resulting in injuries which were declared 'Dangerous to life'. Nonetheless, it has been prayed that the

manner in which the offence was committed by petitioner and his accomplice, who after barging inside the clinic of the son of the complainant, mercilessly assaulted him, no leniency deserves to be extended in his (P) favour. It has not been disputed that complainant and injured have since been examined. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the petitioner and learned State counsel and perused the documents on record.

7. In the case of **Rup Bahadur Magar @ Sanki @ Rabin Vs. State of West Bengal, Criminal Appeal No.4144 of 2024** decided on 04.10.2024, in a case under Sections 394, 395, 397, 307 read with 120-B of IPC, Hon'ble Supreme Court granted bail to the accused considering long incarceration undergone by him of 2 years and 9 months.

In the case of **Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Anr., (2024) 9 SCC 813**, the Supreme Court while granting bail to accused for 04 years in paragraph Nos.16 and 17 held as under:-

16. Criminals are not born but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations

17. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.”

Recently, a Co-ordinate Bench of this Court in **Neelkamal Singh Alias Billa Vs. State of Punjab** passed in CRM-M-39765-2024 has held that although an accused may have past criminal antecedents but nonetheless if the incarceration period is long, he is entitled for the concession of bail.

*“Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “**Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna**”, (1980) 1 SCC 98. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.”*

8. In view of the settled position of law, submissions advanced by learned counsel for the petitioner, the fact that petitioner has been in custody since 12.04.2024, complainant and injured have been examined, the fact that other co-accused, has also been granted the concession of bail and giving due weightage to

the fact that the prospect of trial being concluded in the near future is quite remote, the Court is of the opinion that further detention of the petitioner would not only be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial but would also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) *The petitioner will surrender his passport and will not leave the country without prior permission of the trial Court.*
- (ii) *The petitioner will not tamper with the evidence during the trial.*
- (iii) *The petitioner will not pressurize/intimidate the prosecution witnesses.*
- (iv) *The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) *The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) *The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) *The petitioner shall not in any manner misuse his liberty.*
- (viii) *The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) *The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

28.10.2025
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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