



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

241+243

CRM-M-33365-2025

Date of Decision: 04.08.2025

(1) Nikhil Nahar

...Petitioner

Versus

State of Punjab

... Respondent

CRM-M-34761-2025

(2) Manish Kumar

...Petitioner

Versus

State of Punjab

... Respondent

CRM-M-39001-2025

(3) Deepak @ Mombati

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Sahil Goel, Advocate (Through V.C.),
Mr. Keshav, Advocate
for the petitioner in CRM-M-33365-2025.

Mr. J.S. Thakur, Advocate
for the petitioner in CRM-M-34761-2025.

Mr. Davinder Singh Saini, Advocate
for the petitioner in CRM-M-39001-2025

Mr. Ravneet Singh Joshi, Deputy, A.G., Punjab.

Mr. Shivender Pal Singh, Advocate
for the complainant.

**N.S.SHEKHAWAT, J. (Oral)**

1. This order shall dispose off three bail petitions, i.e., CRM-M-33365-2025 titled as “**Nikhil Nahar Vs. State of Punjab**”, CRM-M-34761-2025 titled as “**Manish Kumar Vs. State of Punjab**” and CRM-M-39001-2025 titled as “**Deepak @ Mombati Vs. State of Punjab**”, whereby, the petitioner(s) have applied for grant of regular bail under Section 483 of the BNSS in case FIR No.232 dated 26.10.2024 under Sections 126(2), 115(2), 118(1), 117(1), 109, 118(2), 351(3), 303(2), 191(3), 190 of BNS, registered at Police Station Division-6, Jalandhar.

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

“Statement of Shri Gobind son of Sh. Ashwani Kumar resident of 482 Bhargo Camp Near Ram Mandir Jalandhar Age about 19 years Mobile number 98036-26508 stated that I am a resident of the aforesaid address and after completing 12th class I am working in a private sector. On dated 8.10.2024 at around 11:00 PM I while travelling on motorcycle along with my friends Smile son of Ramesh Kumar resident of Bhargo Camp Jalandhar and Salman son of Naseem resident of House No.143/1 Bhargo Camp Jalandhar was going to PPR Market Phase-2 Jalandhar through Buta Village Road for eating food. When we reached near the church of Buta village, a Bullet motorcycle, a Splendor motorcycle



and an Aactiva on whom there were 6/7 unknown youths came in front of us and when they signaled us to stop, we stopped. All these youths came towards our motorcycle and all of them had sickles in their hands. The first of them was a young man Nikhil Nahar resident of Buta village Jalandhar, whom I already know and the rest of the unknown youths started hitting me on the head, arm and leg with their sickles with the intention of killing us who also injured my friend Samile a lot and Salman managed to save himself from them. The said attackers also snatched about 12 thousand rupees from my pocket and, threatening to kill rode away on their vehicles along with the sickles. I gathered some courage and reached my home with great difficulty on my motorcycle. I fainted due to a lot of blood flowing from my head. My family members by arranging a vehicle got me admitted in Joshi Hospital, Jalandhar, where I am currently undergoing treatment. I later came to know that along with Nikhil Nahar son of Madan Lal, the unknown persons who injured us were Gagi sen of Lallu, Nannu son of Kashmira Karan alias Arjan son of Bahadur, Akash Bhoga son of Patras, Khatri son of Naresh resident of Buta village, Jalandhar and Rajat Bhaiya son of unknown Resident of village Khurla Kingra Jalandhar. So strict legal action should be taken against them for stopping us on the way causing injuries to us with the intention to kill us and snatching money. I have read the statement, heard it and found it to be correct. SD/ Shri. Gobind in English Attested ASI Mohinder Singh Police Station Division No.6 Commissionerate Jalandhar Date 26.10.2024.”



3. Learned counsel appearing on behalf of Nikhil Nahar (petitioner in CRM-M-33365-2025) submits that as per the case of the prosecution, the petitioner was allegedly carrying a sickle and gave a blow with the same on the head of the complainant. He had allegedly snatched a sum of Rs.12,000/- from his pocket. Learned counsel further submits that Gobind, complainant has already been discharged from the hospital and is hale and hearty. The petitioner was arrested in the present case on 15.11.2024 and is in custody for the last more than 08 months. After completion of investigation, challan has already been presented against the petitioner and his further custody will not serve any useful purpose.

4. On the other hand, learned counsel appearing on behalf of Manish Kumar (petitioner in CRM-M-34761-2025) submits that as per the case of the prosecution, the petitioner was carrying a brick and caused an injury on the head of the injured. Apart from that, it has been alleged that he had snatched the *Khanda* (a sharp edged weapon) from Nikhil Nahar, co-accused and caused injury on the head of the complainant. Even he was arrested in the present case on 16.11.2024 and is in custody for the last more than 08 months.

5. Similar arguments have been raised by learned counsel appearing on behalf of the Deepak @ Mombati (petitioner in CRM-M-39001-2025). Learned counsel submits that the petitioner was not named in the FIR and has been arrayed as accused on the basis of the



supplementary statement suffered by the complainant after 07 days. He further submits that the petitioner was arrested in the present case on 15.11.2024 and is in custody since then.

6. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner(s) on the ground that serious allegations have been levelled against the present petitioner(s) and even the petitioner(s) are habitual criminals and Nikhil Nahar and Manish Kumar (petitioner(s) in CRM-M-33365-2025 and CRM-M-34761-2025) are involved in 02 more cases each, whereas Deepak @ Mombati (petitioner in CRM-M-39001-2025) is involved in 01 more criminal case. Thus, the petitions are liable to be dismissed by this Court. He has also filed status report (in CRM-M-33365-2025) by way of an affidavit of the Assistant Commissioner of Police, Model Town, Jalandhar on behalf of the respondent-State and the same is taken on record.

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

8. It is not in dispute that all the petitioner(s) in the present case are in custody for the last more than 08 months. Gobind, complainant, had no doubt suffered serious injuries on his person, but he has been discharged from the hospital long ago. The prosecution is yet to lead evidence with regard to the involvement of the



petitioner(s) in the crime. Thus, the further custody of the petitioner(s) will not serve any useful purpose.

9. Without commenting on the merits of the case, the present petition is allowed. The petitioner(s) are ordered to be released on bail pending trial on their 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(s) 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 them to disclose such facts to the Court or to any other authority.

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

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

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

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



(vi) In case, the petitioner(s) are involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner(s).

(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(s).

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

04.08.2025

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(N.S.SHEKHAWAT)

JUDGE

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