

CRM-M-35067-2025

2025:PHHC:130857



220

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35067-2025

Date of decision: September 22, 2025

Rajat

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.40 dated 03.08.2024, registered for the offences punishable under Sections 103, 109, 118(2), 191(3), 190, 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 103, 238, 191(3), 190, 3(5) of the BNS added later on), registered at Police Station Behrampur, District Gurdaspur, Punjab.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Jaspal Kumar, stated that on 24.07.2024, John went to visit his aunt. Rajesh Kumari (sister of the complainant) stated that when she and John went to the Behrampur market and, near Punjab National Bank, then they were confronted by Harmesh Kumar @ Meshi, Achal Kumar @ Sonu, Ishu, Rajat (petitioner herein), Bobby, Raman, Lovepreet, Rinka, and Deepa. The accused inquired about Saurav and started abusing them. During

CRM-M-35067-2025

this, Ishu struck their Activa scooter, causing Rajesh Kumari to fall. Thereafter, Harmesh Kumar @ Meshi attacked John with a *datar* on the head, followed by Ishu, who struck another *datar* blow on John's left arm. As people gathered at the spot, the assailants fled. With the help of others, Rajesh Kumari managed to get John admitted to the hospital in Gurdaspur. However, on 04.08.2024, John succumbed to his injuries and died. An FIR was registered, and during investigation, accused Ramesh Kumar @ Harmesh Kumar @ Meshi, Rajat (petitioner), and Sanju Kumar were arrested.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 05.08.2024. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that assuming *arguendo*, the prosecution version is taken to be correct, the role attributed to the petitioner is that of by-stander and no injury has been attributed to him. Learned counsel has submitted that the petitioner has suffered incarceration for more than 01 year. 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 the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 20.09.2025, in the Court today, 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 05.08.2024 whereinafter investigation was carried out and challan was presented on 04.11.2024. It is not

CRM-M-35067-2025

disputed before this Court that total 18 prosecution witnesses have been cited, and none has been examined till date. It is not in dispute that the conclusion of the trial will take long time. The rival contentions raised at Bar give rise to debatable issues, which 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.

6.1. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which reads thus:

“18. Criminals are not born out 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.

19. 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.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.2. As per custody certificate dated 20.09.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 01 month and 12 days. Further, as per the said custody certificate the

CRM-M-35067-2025

petitioner is stated to be involved in other FIR(s). 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, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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 cellphone 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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

CRM-M-35067-2025

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

September 22, 2025
mahavir

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