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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-38488-2025 (O&M)
Date of Decision: 25.07.2025

MUNISH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HONBLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioner.

Mr. Jasdip Singh, Addl. AG Punjab.

SANJAY VASHISTH J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Munish	36	18.04.2025	115(2), 118(1), 127(1), 351(2), 191(3), 190 of BNS (Offence under Section 109 of BNS added later on)	Kotwali Nabha, Tehsil Nabha	Patiala

2. Learned counsel for the petitioner contends that though, name of the petitioner is mentioned in the FIR but no specific role has been attributed to him regarding the infliction of any injury. It is further pointed out that co-accused Sourav Kumar and Sumit, who were neither armed with any specific weapon nor assigned any particular role in the incident, have already been granted the concession of interim anticipatory bail, vide orders dated 24.06.2025 and 09.07.2025 passed in CRM-M-33169-2025 and CRM-M-35340-2025, respectively.



Similarly other co-accused, Sandeep Singh, has also been granted regular bail vide order dated 24.06.2025 passed in CRM-M-32823-2025 (Annexure P-3).

Learned State counsel, however, submits that the specific injury falling under Section 109 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (BNS) has been attributed to another accused namely Kala, who allegedly struck the injured Amanpreet Singh on the head with the handle of a handpump.

It is further argued by counsel for the petitioner that, despite the petitioner having been in custody and subject to police interrogation during the course of investigation, no weapon has been recovered from his possession.

3. Learned State counsel is unable to dispute this contention.

4. After hearing learned counsel for the parties and considering the fact that the petitioners name does not appear in the initial version of the FIR, and that the primary injury under Section 109 BNS is attributed to co-accused (Kala), this Court is of the opinion that the case warrants consideration for the grant of bail. This Court is also of the considered view that the petitioner deserves a fair opportunity to rehabilitate and reintegrate into society. Without expressing any opinion on the quality or sufficiency of the prosecutions evidence, and having regard to the petitioners prolonged incarceration and the fact that the trial is still at a preliminary stage, with material witnesses yet to be examined, the Court is of the opinion that the petitioners personal liberty cannot be curtailed for an indefinite period.

5. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq

Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. However, it is clarified that in the event the petitioner is found to be influencing the witnesses, either directly or indirectly, it shall be open to the prosecution, the complainant, or the injured witnesses to move an appropriate application for cancellation of bail.
7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.
8. Petition stands disposed of.

25.07.2025

Ajay Goswami

(SANJAY VASHISTH)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/~~No~~

~~Yes~~/No