



CRM-M-39424-2025 (O&M)

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

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**CRM-M-39424-2025 (O&M)
Decided on : 23.09.2025**

Ashish @Aashi

..... Petitioner

VERSUS

State of Punjab & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

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

Mr. K.D. Sachdeva, DAG Punjab.

Mr. Utkrant Mahajan, Advocate for respondent No.2.

SURYA PARTAP SINGH, J.

1. This is first petition filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for bail. The present petition has been filed with regard to a case arising out of FIR No.52 dated 21.04.2025 under Sections 238 and 309(b) of the Bharatiya Nyaya Sanhita, 2023, Police Station Sadar Batala, District Gurdaspur. The application for bail filed by the petitioner before the Court of learned Additional Sessions Judge, Gurdaspur has been dismissed vide order dated 10.07.2025. The petitioner is in custody since 01.06.2025, and therefore, craving for bail.

2. Succinctly, the facts emerging from the record are that the abovementioned FIR came into being in response to a complaint submitted by Ajay Masih, hereinafter being referred to as 'complainant' only. In the

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abovementioned complaint, it has been submitted by the complainant on 17.04.2025 at about 08:00 pm, when he was going on his auto-rickshaw with Mehtab Singh, near Sugar Mill, six boys riding on two motorcycles, with muffled faces, intercepted their vehicle. According to complainant, they were armed with sharp-edged weapons and sticks etc. It has been further alleged by the complainant that they launched an attack upon the complainant and inflicted injuries on his person and robbed him of Rs.1100-1200/-, kept in his pocket. The complainant in the abovementioned complaint disclosed the identity of one of the assailants as Gurmanpreet Singh @Gori.

3. It is the case of the prosecution that on the basis of abovementioned complaint, when formal FIR was lodged and investigation taken up, the abovementioned Gurmanpreet Singh @Gori was arrested and on interrogation, he suffered a disclosure statement, wherein he disclosed the name of the present petitioner.

4. Notice of motion.

5. Mr. K.D. Sachdeva, DAG Punjab appears on behalf of respondent-State, and waives service. Learned State Counsel has filed reply to the petition as well as custody certificate of the petitioner. The same be taken on record.

6. Heard.

7. It has been contended on behalf of the petitioner that the name of the petitioner does not figure in the FIR, and that with regard to



involvement of petitioner in the commission of crime, an affidavit has been sworn by the complainant on 26.08.2025, wherein it has been mentioned that the petitioner was not amongst the assailants. In addition to above, it has also been argued by learned counsel for the petitioner that the petitioner is already in custody for a period of 03 months and 21 days, and that nothing is left to be recovered from the possession of the petitioner.

8. *Per contra*, learned State Counsel has argued that the offence committed by the petitioner is serious in nature, and that name of the petitioner is figures in the disclosure statement of co-accused, whose identity has been disclosed in the FIR.

9. The record has been perused carefully.

10. In view of the peculiar facts and circumstances of the present case, following are the factors which are required to be taken into consideration for the decision of present bail application:-

- a) that the petitioner is already in custody for a period of 03 months and 21 days;
- b) that the offences are triable by Magistrate;
- c) that with regard to identity of the petitioner, his name does not figure in the FIR;
- d) that with regard to involvement of the petitioner in the commission of crime, it has been sworn by the complainant that he was not involved in the commission of crime;
- e) that nothing is left to be recovered from the possession of petitioner;

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- f) that the trial is not likely to be concluded in near future;
- g) that detention of the petitioner in judicial lockup is not likely to serve any purpose; and
- h) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses.

11. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

12. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court. In case, the concerned Court is not available on the given date, the learned Sessions Judge would be at liberty to assign the abovesaid case, for the abovesaid purpose, to any other Court.

(SURYA PARTAP SINGH)
JUDGE

SEPTEMBER 23, 2025*Gaurav Thakur*

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No