



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-40229-2025
Decided on : 19.11.2025

Gurmit Singh alias Neeshu . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Manjinder Singh Saini, Advocate (through V.C.)
for the petitioner(s).

Mr. Vinay Malhotra, DAG, 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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurmit Singh alias Neeshu	114	08.10.2018	323, 324, 326, 506, 148, 149 of IPC	Mahilpur	Hoshiarpur

2. Learned counsel for the petitioner contends that after registration of the case, initially petitioner was released on bail and then he continued appearing before the Court below on all the occasions, whenever, it was fixed for hearing. However, during the period of pandemic COVID-19, he was granted bail, but thereafter, never appeared and thus absented himself from the court proceedings. Resultantly, he was declared ‘proclaimed offender’ vide order dated 25.04.2022.

3. Learned counsel for the petitioner further contends that



thereupon, petitioner himself surrendered back before the Court below on 02.05.2025 with a clear intent to join the process of law along with other accused, who are on bail and are facing the trial.

Learned counsel further submits that as per allegations, petitioner gave a *datar* blow on the left knee of the complainant – Charanjeet Singh, and thus, same being on the non-vital part of the body of the injured, petitioner is not required to be kept behind bars for an indefinite period, as already after surrendering back on 02.05.2025, incarceration for a period of more than 06 months and 16 days has been suffered by him. Hence, he prays for grant of concession of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed the custody certificate dated 18.11.2025 in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

5. Learned State counsel while opposing the prayer for bail submits that petitioner has though caused injury on the non-vital part of the body, but the injury was declared as grievous, that too with a sharp edge weapon, if he is released on bail, he may misuse the concession of bail for the purpose of prolonging the trial. Further submits that one more accused, namely; Amarjeet Singh, has absconded and therefore, has also been declared as 'proclaimed offender' vide order dated 28.02.2025.

It is also apprised by learned State counsel that till date none of the prosecution witnesses has been examined. However, he prays for dismissal of present petition in view of the aforesaid circumstances.

6. I have heard learned counsel for the parties, perused the



relevant material available on record, and notice that till date none of the prosecution witnesses has been examined, out of the total 22 cited witnesses. It is also evident from the custody certificate that the petitioner has already suffered incarceration for more than 07 months and 25 days, and that no other criminal case is registered against him. The petitioner has now surrendered voluntarily and joined the process of law, which reflects his intention to participate in the trial proceedings. Thus, there is no question of any *de-novo* trial on account of the petitioner's re-appearance, as the stage of recording of prosecution evidence has not yet commenced.

7. It is also pertinent to note that all the offences alleged in the present FIR are triable by the Court of the learned Magistrate, and the conclusion of trial is likely to take considerable time, particularly when no witness has been examined so far. There is nothing on record to suggest that the petitioner, after surrendering, has attempted to influence any witness or tamper with the prosecution evidence. In these circumstances, the petitioner cannot be kept behind bars for an indefinite period, especially when the injury attributed to him is on a non-vital part of the body, and he has been in custody since 02.05.2025.

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

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.



9. Any of the discussion done and recorded here above, 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.

10. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

November 19, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No