

2025:PHHC:110825



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

239

CRM-M-41991-2025 (O&M)

Date of decision : 21.08.2025

Rajinder Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. P. S. Ahluwalia, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. Vikas Singh, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case arising out of FIR No. 112 dated 22.12.2023, registered under Sections 341, 323, 506, 148 and 149 of IPC (Sections 307 and 325 of IPC added later on) at Police Station Ghagga, District Patiala. The first petition, bearing number **CRM-M-24645-2024**, was dismissed by this Court on 18.09.2024.

2. The petitioner has been booked in the aforesaid case and is facing trial on the allegations that he had formed membership of an unlawful assembly along with the co-accused and in pursuance of common object of that unlawful assembly, had voluntarily caused simple as well as grievous injuries to the complainant on 21.12.2023. The petitioner was arrested on 09.02.2024 and since then he is in custody. Trial is going on.

2025:PHHC:110825



3. Learned counsel for the petitioner has submitted that he has been falsely implicated in this case. The board of doctors of Civil Hospital, Samana was hand in gloves with the complainant as it had given an ambiguous finding mentioning that polytrauma of multiple bones and involuine long bone injuries are dangerous to life. An application has been filed before the learned trial Court for directing the Chief Medical Officer, Patiala to constitute a board of doctors for obtaining a correct and proper opinion of injuries allegedly sustained by the complainant. However, despite the lapse of about ten months, the said application has not been decided. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take considerable time as out of 43 prosecution witnesses, none has been examined so far. The petitioner is in custody since 09.02.2024. The prolonged incarceration has entitled the petitioner to seek concession of regular bail. The said facts amount to change in circumstance. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel, assisted by learned counsel for the complainant, has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The allegations against the petitioner are that he along with co-accused had caused simple as well as grievous injuries to the complainant on

2025:PHHC:110825



the fateful day. He was arrested on 09.02.2024. The petitioner has filed an application before the learned trial Court seeking constitution of a fresh board of doctors to examine the injury allegedly sustained by the complainant, which is still pending. The trial is obviously delayed and there is no likelihood of the same to conclude in near future as a perusal of the record reveals that out of 43 prosecution witnesses, none has been examined so far. It is well settled proposition of law that the prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and the accused is not precluded from claiming bail invoking parameters of Article 21 of the Constitution of India *de-hors* the stringent provisions of the offences alleged. Therefore, keeping in view the aforementioned facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

21.08.2025

Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No