



CRM-M-46496-2025

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

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CRM-M-46496-2025 (O & M)

Date of decision: 22.09.2025

MITLESH CHOUDHARY

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ankit Rana, Advocate,
for the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS is for grant of regular bail to the petitioner in case FIR No.46 dated 28.03.2025, registered at Police Station Machhiwara Sahib, District Ludhiana, under Sections 115(2), 118(1), 109, 191(3) and 190 of BNS.

2. Learned counsel contends that the petitioner has been in custody for about 6 months. He alleges false implication. The allegation against the petitioner is by his neighbour, of inflicting injury on his finger. There is a delay of 3 days in lodging the FIR as the occurrence took place on 25.03.2025, while the FIR was registered on 28.03.2025. The petitioner is not involved in any other case. Co-accused, Aklesh and Navlesh have since been granted bail by learned Addl. Sessions Judge,

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vide order dated 05.05.2025, Annexure P-2. Challan was presented on 28.06.2025, however, charges have not been framed.

3. The custody certificate dated 21.09.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 5 months and 19 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of causing injury on the finger of the complainant, which has been amputated. Based on the medical report, Section 109 BNS stands deleted and Sections 117(2) and 188(2) were added. With regard to challan, he on instructions, submits that the same was though presented, however, returned with certain objections and is now ready for presentation again. However, he is unable to controvert the fact of co-accused being on bail and the petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 5 months and 19 days; co-accused have been enlarged on bail; charges are yet to be framed; the trial is likely to take a considerable time and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

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7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

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9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

22.09.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No