



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

271-A

CRM-M-46849-2025 (O&M)

Date of decision: 01.09.2025

Mahipal and Others

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Himmat Singh Deol, Advocate for the petitioners

Mr. Jasjit Singh, DAG Punjab

Mr. G.B. Gilhotra, Advocate for the complainant

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.93 dated 12.04.2025, registered under Sections 109, 115(2), 118(1), 117(2), 126(2), 351(3), 191(3), 190, 61(2), 49 and 238 of BNS, 2023 at Police Station Dera Bassi, SAS Nagar.

2. Learned counsel contends that the petitioners have been in custody for more than 4 months. They allege false implication. It is a case of version and cross version, as per which, the petitioner Nos.1 and 2 have also been inflicted injuries on the head, neck and eye, MLR regarding which are appended as Annexures P-3 and P-4. The injury attributed to the petitioner-Mahipal is on the legs of the complainant, however, as per medical record, there is no injury on his legs and as per the FIR, the injury over the head of the complainant is caused with scissors, however, as per MLR dated 12.04.2025, Annexure P-1/A, there is no incised wound and all wounds are lacerated in nature as also no injury is attributed



to petitioner-Gurmeet Singh. Co-accused have already been granted anticipatory bail by this Court vide orders dated 16.07.2025 and 28.07.2025, Annexures P-9 to P-11 respectively. The complainant is involved in 14 more cases. Challan was presented on 11.07.2025, however, the charges have not been framed. In all, there are 23 prosecution witnesses. The petitioner Nos.1 and 3 are not involved in any other case, while petitioner No.2 is involved in one more case, wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioners of having inflicted the injuries to the complainant. However, he is unable to controvert the submissions with regard to stage of the case, co-accused having been granted anticipatory bail and the petitioner-Gurmeet Singh being on bail in another case.

4. Heard.

5. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

6. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for the last 4 months and 19 days; petitioner-Gurmeet Singh being on bail in the other case; co-accused have been granted anticipatory bail; challan stands presented on 11.07.2025, however, the charges



are yet to be framed and in all there are 23 prosecution witnesses, the trial is likely to take a considerable time, further incarceration of the petitioners would be violative of their right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioners are 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 petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The petitioners 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 petitioners shall not in any manner misuse their liberty.
- (vii) The petitioner shall furnish their 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, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioners 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 petitioners.

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 petitioners by this order.

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..

(AMAN CHAUDHARY)
JUDGE

01.09.2025
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No