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2025:PHHC:120866



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: September 05, 2025

Ranjeet Kumar alias Ranjeet and another

....Petitioners

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Beant Singh Seemar, Advocate and
Mr. Sumeet Singh, Advocate for the petitioners.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioners in case FIR No.42 dated 13.03.2025, registered under Sections 115(2), 118, 117(2), 190, 191(3) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 109 of BNS added later on), at Police Station Jamalpur, Police District Police Commissionerate, Ludhiana.

2. The gravamen of the allegations against the petitioners is that on 12.03.2025 at about 04:15 P.M., when the complainant, namely, Mohd. Khalid Hussain and his brothers were going on motorcycles in the adjacent street of their Cosmetic Shop for getting stitched clothes of their elder brother, namely, Mohd. Wasim Raja, then one blue coloured Tata-407 was coming from the opposite side, in which two more persons were there along

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with the driver. The driver (Shayam) of said vehicle started blowing horns, abusing, giving push and blows to the brother of the complainant. His brother told them that their shops are nearby, then driver and his companion left the spot giving threats. After this occurrence, the complainant and his brothers, namely, Shamshad and Wasim were talking by standing in front of their shop Raja General Store, then, the driver of Tata-407 along with 15/ 20 unknown persons duly armed with *kirpans*, *gandassas*, rods and baseball, bats etc. came there, and the driver of the said vehicle raised *lalkara*, on which, all the accused persons attacked upon the complainant and his brothers with their respective weapons. All the accused persons gave blows on their heads and other body parts. Complainant sustained injury on his head, left arm and back while his brother, namely, Mohd. Farukh sustained injuries on his forehead and shoulder, whereas, Mohd. Julfikar and Mohd. Shamshad sustained injuries on head and other body parties. Thereafter, the complainant and injured were hospitalized. The accused persons/ assailants fled away from the spot along with their respective weapons.

3. Learned counsel for the petitioners has argued that the petitioners are in custody since 16.04.2025. Learned counsel has iterated that, in fact, the petitioners were attacked by the FIR/ complainant side and the petitioners' side also received injuries. Learned counsel has further argued that the petitioners have been falsely implicated in the FIR in question. Learned counsel has also argued that, FIR/ complainant side is the aggressor in the case in hand. Learned counsel has further iterated that the petitioners have clean antecedents. Thus, regular bail is prayed for.

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4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioners do not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificates dated 04/05.09.2025 in Court, which are taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioners were arrested on 16.04.2025 whereinafter investigation was carried out and challan was presented on 16.06.2025. Total 19 prosecution witnesses have been cited, but none has been examined till date. The rival contention raised at Bar give rise to debatable issues; including as to who is the aggressor in the FIR in question and whether offence under Section 109 of BNS is made out against the petitioners; shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioners absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificates dated 04/05.09.2025 filed by learned State counsel, the petitioners have already suffered incarceration for a period of more than 04 months, & are not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioners as undertrials is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Concerned CJM/Duty Magistrate. However, in

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addition to conditions that may be imposed by the concerned CJM /Duty Magistrate, the petitioners shall remain bound by the following conditions:

- (i) The petitioners shall not mis-use the liberty granted.
- (ii) The petitioners shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioners shall not absent themselves on any date before the trial.
- (iv) The petitioners shall not commit any offence while on bail.
- (v) The petitioners shall deposit their passports, if any, with the trial Court.
- (vi) The petitioners shall give their cellphone numbers to the Investigating Officer/SHO of concerned Police Station and shall not change their cell-phone numbers without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioners shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/ Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioners.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 05, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No