

2025.PHHC.173584



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRM-M-52791-2025

Date of decision: 11th December, 2025

Sanjay @ Sanju Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sameer S Tiwari, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 74 dated 18.07.2023 registered under Sections 323, 341, 506 and 34 of IPC (Section 307 of IPC added later on) at Police Station City Samana, Patiala.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant Gurjant Singh alleging that on 15.07.2023, he along with his family members had come from Haridwar and when they reached near Samana, at about 8:40 PM, they were intercepted by the petitioner and the co-accused who were armed with weapons and who opened an assault upon the complainant and his wife by causing injuries with the weapons which they were carrying in their hands. Clamour raised by them attracted other persons and then the assailants fled from the spot while

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extending threats to complainant and by proclaiming that they would not spare him. The injured were taken to the hospital for treatment. The complainant alleged that the motive for assault was that accused Pawan had eloped with his minor niece some time back and on lodging a complaint, he was sent to jail. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 25.11.2024. The co-accused were also arrested. Initially, a case under Section 323 of IPC was registered. Offence under Section 307 of IPC was added during the course of investigation as injury sustained by the complainant was opined to be dangerous to life. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of over 01 year and 16 days. Trial will take considerable time to conclude since only 02 out of 24 prosecution witnesses have been examined so far. His further incarceration would not serve any useful purpose. He has clean antecedents. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report and custody certificate have been filed by respondent-State. It is argued by learned State counsel that the allegations against the petitioner are serious in nature. He along with the co-accused had voluntarily caused simple as well as grievous injuries on the person of the complainant and his wife. The injury that has been attributed to the petitioner has been opined to be dangerous to life. The victim is yet to be examined. The petitioner had been absconding for a while and could be arrested only on

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25.11.2024. Even he was declared a proclaimed person. The weapon of offence was also recovered from him. There are chances of his absconding or committing similar offences if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is in custody for a period of 01 year and 16 days. Trial is obviously take time to conclude since only 02 prosecution witnesses out of 24 prosecution witnesses have been examined so far. The continued detention of the petitioner will not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. Taking into consideration the above discussed facts, the period of incarceration of the petitioner, his clean antecedents, and the fact that there are no chances of conclusion of the trial in near future, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

11th December, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |