

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:167407



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CRM-M-58516-2024 (O&M)
Date of decision:02.12.2025

Naveen Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gurpal Singh Sandhu, Advocate for the petitioner,
(through V.C.).

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No.0042 dated 20.03.2024, registered under Sections 324, 323, 307, 427, 148, 149 IPC (offences under Sections 325, 326 and 341 IPC were added lateron), at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. As per the allegations, on 19.03.2024, the complainant – Satinderpal Singh was going towards his village Burha Gujjar in a maruti car, when the present petitioner along with co-accused Rajan Singh, Lovenish Singh and Karan Kumar accompanied by 3-4 persons unknown to the complainant, was found standing on the way. All of them started following the complainant on their motorbikes, after the complainant's

vehicle had crossed it. Out of fear, the complainant sped up his car but was stopped by the petitioner after some distance. The petitioner reached near the complainant and broke open the windowpane of his car by striking blow with a sword. Thereafter, he struck blows with the same weapon, thereby hitting his head and nose. The co-accused Rajan singh, Lovenish Singh and Karan Kumar also caused injuries to the complainant with their respective weapons and he was assaulted by unknown persons with sticks. On clamour being raised by the complainant, the assailants fled away. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 21.03.2024 along with the above named co-accused. The other assailants were also nominated as accused and were arrested subsequently.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He is in custody since 21.03.2024. The trial will take considerable time to conclude since even charges have not been framed so far. He is on bail in other cases as registered against him. His continued detention would not serve any useful purpose. It is, therefore, urged that the petitioner deserves to be extended the benefit of bail.

4. Status report has been filed.

5. Learned State counsel has argued that the victim/complainant had sustained simple injuries voluntarily caused by the petitioner and the co-accused in prosecution of their common object by forming unlawful assembly. The injuries No.4 and 10 as sustained by him have been found to be grievous in nature. The petitioner is one of the prime accused. He is a habitual offender. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore argued that the

petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner is alleged to have struck blows with reverse side of a sword as well as from its other side to the complainant. The complainant had sustained 10 injuries, 02 of which have been declared to be grievous in nature. However, there is nothing on record to show that the injuries so sustained by the complainant were dangerous to life. The petitioner is in custody for a period of over 01 year and 08 months. There are no chances of conclusion of the trial in near future since even charges have not been framed so far. All of the other co-accused have been extended benefit of bail. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. It is well settled preposition of law that the bail is the rule and jail is an exception. Pre-trial incarceration of an accused should not be replica of post conviction sentencing. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction

of the trial Court/Duty Magistrate/CJM concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

02.12.2025

(MANISHA BATRA)
JUDGE

harjeet

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