

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

2025:PHHC:177162



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CRM-M-70973-2025

Date of decision: 22.12.2025

Date of uploading: 22.12.2025

**Raj Singh**

....Petitioner

V/s

**State of Punjab**

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Jasmine, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

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**SUMEET GOEL, J. (ORAL)**

1. The present petition preferred on behalf of the petitioner under Section 483 of BNSS 2023 for grant of regular bail in case bearing FIR No.48 dated 04.04.2024, registered for the offences punishable under Sections 307, 506, 34 IPC, at Police Station Moti Nagar, District Ludhiana.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*“Statement of Sanju Kumar, son of Saurabh Chand,  
resident of Village Barmi, Police Station Ghotli, Tehsil*

*Ramnagar, District Udhampur, Jammu, age 45 years, mobile 7297022673:1 state that I am a resident of the above-mentioned address and I work as a private driver in Transport Nagar, Ludhiana. On 01.04.2024 at about 12:20 a.m., I and my friend Bobby Sharma, son of Shyamlal, resident of Royal India, Kalka Mandir, Transport Nagar, Ludhiana, were talking outside the Himachal Punjab Road Lines, Transport Nagar, Ludhiana. The street lights were on. Then in front of me, Monu Kumar, son of Subhash Chand, resident of Village Kadol, Police Station Paragpur, Sub-District Dehra, District Kangra, Himachal Pradesh, who was holding a crowbar in his hand, and his companion Raj Singh, son of Tilak Singh, resident of Village Panjian, Police Station Ramkot, District Udhampur, Jammu, who was holding a stick in his hand, came there. On seeing Bobby Sharma, Monu Kumar raised a lalkara that "Raju, today we will not let Bobby go unharmed," and suddenly Monu Kumar and Raj Singh got angry and attacked Bobby with the intention of killing him. Firstly, Monu Kumar, with the rod in his hand, hit Bobby on the head, which struck his right eye and injured it. Then a second time, Monu Kumar hit Bobby's chest on the right side, which broke Bobby's ribs. Then Raj Singh, who was standing by his side, hit Bobby with the bamboo stick he was holding on the right side of Bobby's back, which broke Bobby's right back ribs. He then hit Bobby Sharma's right leg with the stick a second time, which struck him below the knee, and Bobby fell to the ground, bleeding profusely. I tried to free Bobby from both of them. They also pushed me, so I shouted "Killed! Killed!" Hearing my screams, passersby gathered. On seeing the passersby, Monu Kumar and Raj Singh, along with their rod and bamboo stick, ran away while threatening to kill. I saw this entire incident with my own eyes, and I already know Monu Kumar and Raj Singh because both of them had a fight with Bobby in 2022 as well, which was the reason for the meeting. I arranged a private vehicle and admitted Bobby Sharma to Mohan Devi Oswal Hospital, Ludhiana for treatment in an injured condition. Till now, I am waiting for Bobby Sharma's heirs. Today I was coming to inform you, taking Bobby's cousin Neeraj Kumar with me, and I met you, and you have written my statement in the presence of*

*Neeraj Kumar. I have heard it. Action should be taken. Sd/- 7297022673* Confirmed statement: Neeraj Kumar, son of Ashok Raj, resident of Village Bei Nambal, Police Station Kotranka, District Rajouri, Jammu. Verification by Karanjit Singh, ASI/645, Police Station Moti Nagar, dated 04.04.2024. Action taken by Police: On 03.04.2024, the ASI was present at the police station, and the MHC of the Police Station noted that due to a fight, Bobby Sharma, son of Shyam Lal Sharma, is undergoing treatment at Mohan Devi Hospital, Ludhiana. I prepared the ruqa and thereafter, along with ASI and Ct. Maninder Singh 3263, Gagandeep Singh 3056, left the Police Station and reached Mohan Devi Hospital, Ludhiana, where permission was sought from the doctor to take the statement of the victim in writing, who declared him unfit for seven days to give a statement. Today, I, ASI, along with HC Jagtar Singh 669, Ct. Gurdeep Singh 4000, and PHG Rajpal Singh 17219, was present at Shiv Chowk, Kamma, Ludhiana to check suspicious private vehicles. Then the ASI came and got the complainant Sanju Kumar, son of Saurabh Chand (resident of the above address), along with Neeraj Kumar, and recorded his statement, which was written word for word and read out. After hearing and understanding it, the statement was confirmed by the complainant and signed in Hindi. Neeraj Kumar also made his statement, which was verified by the ASI. In the Medical Legal Report No. CR784092 dated 01.04.2024, the doctor has written that there were three injuries which are grievous, caused probably by cylindrical-shaped stick/blunt trauma: chest with multiple fractures, right-side pneumothorax. The medical legal report has been found to be under Section 307, 506, 34 IPC. The case is registered against Monu Kumar and Raj Singh and the same has been sent to the Police Station by PAG Rashpal Singh 17219.”

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 05.04.2024. Learned counsel for the petitioner has further argued that the petitioner has been falsely implicated into the FIR in question. *assuming arguendo*, the prosecution version available at this juncture is taken to be correct, the injury which has

invoked the offence under Section 307 of IPC is attributed to co-accused Monu Kumar. Learned counsel for the petitioner has further argued that the petitioner is in custody for more than 1 year and 8 months and the offence under Section 307 of IPC is not made out against the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature. Furthermore, expressing concerns about the possibility of the petitioner fleeing from the trial proceedings, learned State counsel submits that petitioner ought not be granted the concession of regular bail. He has, accordingly, sought for dismissal of the petition in hand. He also seeks to place on record custody certificate dated 20.12.2025 in Court, which is taken on record.

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

6. The petitioner was arrested on 05.04.2024 and is in continuous custody whereinafter, investigation was carried out and challan was presented on 29.05.2024 wherein total 10 prosecution witnesses have been cited and it is not in dispute before this Court that none has been examined till date. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof reads thus:

*“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.*

*19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under [Article 21](#) of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. [Article 21](#) of the Constitution applies irrespective of the nature of the crime.”*

The rival contentions raised at Bar give rise to debatable issues shall 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 petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 20.12.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 08 months and 14 days & is not shown to be involved in any other case.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of her affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

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 petitioner.
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

December 22, 2025  
Naveen

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