

CRM-M-71759-2025

2025:PHHC:178747



204

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

CRM-M-71759-2025

Sandeep Kumar alias Sunny

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: December 24, 2025

Date of Uploading: December 24, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Pragyat Bhardwaj, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG 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 petitioner in case FIR No.20 dated 26.02.2025, for the offence punishable under Sections 109, 331(6), 115(2), 118, 126, 351(2), 351(3), 191(3) & 190 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Lahori Gate (Division 4), Patiala.

2. The gravamen of allegations against the petitioner is that complainant, namely, Vikas Adhikari, stated that he is presently studying in Class 11th at Senior Secondary School, Woodstock, Jujhar Nagar, Street No.
4. On 22.02.2025, he went to attend a party with his friend Sandeep and his friends behind Surinder Gas Agency, SST Nagar, Patiala. The party was

CRM-M-71759-2025

being hosted by his friend, namely, Yogesh on account of purchasing a new scooter. At around 12:00 midnight, his friends, namely, Malkit Singh and Sajid were also present at the spot. At that time, Sunny (*petitioner herein*), along with 4–5 unknown associates, arrived at the spot. They were armed with knives, iron rods, and other sharp-edged weapons. Immediately upon arrival, the petitioner attacked Sajid (friend of the complainant) and inflicted a sharp-edged weapon injury on the left side of his stomach. One of the petitioner's associates attacked Malkit Singh on his back with a knife. It is further alleged that out of fear, the complainant attempted to flee from the spot. However, the petitioner and his associates surrounded him and struck him on the head with an iron rod. They again hit the complainant on the right side of his chest, and one of the associates inflicted a sharp weapon injury on his right shoulder. When, the complainant turned around to escape, one of them struck him with a sharp-edged weapon on the backside of the right portion of his stomach. Due to the injuries, the complainant fell to the ground and started bleeding profusely. The friends of the complainant raised an alarm by shouting "*Maarta Maarta*" On hearing the noise and due to fear of people gathering at the spot, the petitioner and his associates fled away with their weapons after abusing us and issuing death threats. Thereafter, remaining friends of the complainant arranged a vehicle and admitted him, along with injured Malkit Singh and Sajid, to Rajindra Hospital, Patiala, where they were undergoing medical treatment.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 02.07.2025. Learned counsel has further argued that the

CRM-M-71759-2025

petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that assuming *arguendo*, the prosecution version is taken to be correct, the offence under Section 109 of the BNS (erstwhile Section 307 of the IPC) is not made out against the petitioner. Learned counsel has further submitted that injured-witness already stand discharged long ago from the Hospital. 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 and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 23.12.2025 in the Court today, which is taken on record.

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

6. The petitioner was arrested on 02.07.2025 whereinafter investigation was carried out and challan has been presented on 14.10.2025. Total 23 prosecution witnesses have been cited and it is not in dispute before this Court that, none prosecution witness has been examined till date. The conclusion of the trial, indubitably, will take long. The rival contention raised at Bar give rise to debatable issues, which 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.

CRM-M-71759-2025

6.1. As per custody certificate dated 23.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 05 months & 18 days. Further, as per the said custody certificate, the appellant is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the appellant in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*, a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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.

CRM-M-71759-2025

- (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/Illaqa Magistrate.
- (vii) The petitioner 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 petitioner.

9. Ordered accordingly.

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

(SUMEET GOEL)
JUDGE

December 24, 2025
mahavir

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