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

CRM-M-3747-2026

Date of decision : 24.03.2026

Rajinder Kumar @ Babu**....Petitioner****versus****State of Punjab****.... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. P.S. Ahluwalia, Senior Advocate with
Mr. Parvez Chaudhary, Mr. Rehat Bir Mann, Advocates &
Mr. Digvijay Singh, Advocate for the petitioner.

Ms. Ramta Chowdhary, D.A.G., Punjab.

Mr. Nakul Sharma, Advocate for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.51 dated 02.05.2025, registered under Sections 103(1), 126(2), 191(3), 190, 61(2), 249 of BNS and Section 27 of NDPS Act (Sections 27 of NDPS Act and 249 of BNS, added lateron) at Police Station Bahawala, District Fazilka.

2. As per the facts of the case, the FIR was lodged on the statement of complainant, namely, Radha Krishan son of Atma Ram. It was alleged that he is an agriculturist and has two sons, elder one is Bharat Rattan and younger to him is Lakhpat, who are married. It was alleged that on 01.05.2025 his son Bharat Rattan went to Sitta Gunno Village on Bullet motorcycle bearing no. PB-15-V-6591 whereas the complainant alongwith his other son Lakhpat were present in their house.

At about 3:20 PM, Anmolbir Singh friend of his son has called him and told that Bharat Rattan has been waylaid by Yatin Godara, Sudhir Kumar,



Vikram @ Paua and 5/6 unknown persons came on one TATA Harrier and one Deluxe motor-cycle and they have attacked upon him with sharp edged weapons alongwith dangs, sticks and rods, who had suffered serious injuries on the head, both arms as well as both legs and profusely bleeding. The complainant alongwith his son Lakhpat reached at the spot where he found that Bharat Rattan suffered injuries on his head, right and left ankle, right and left knee and leg and right hand little finger. The complainant took his son to Civil Hospital, Abohar from where, he was referred to Sri Guru Gobind Singh Medical College and Hospital, Faridkot, but he was taken to hospital at Sri Ganganagar, where he succumbed to injuries. Thus, request was made to take legal action against the culprits. On registration of FIR, investigation commenced. During investigation, complicity of the petitioner surfaced on the basis of supplementary statement of son of the complainant, namely, Lakhpat. Resultantly, the petitioner was arrested on 12.05.2025. The petitioner approached the learned Additional Sessions Judge, Fazilka, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 28.11.2025. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned Senior counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case only on the basis of supplementary statement made by son of the complainant, recorded after 09 days of the occurrence. He has contended that except the bald supplementary statement made by son of the complainant that the petitioner had carried out the *recce*, there is no evidence collected by the



investigating agencies to substantiate the allegations against the petitioner.

He contends that the petitioner is behind bars since the date of his arrest.

He submits that the similarly situated co-accused have also been granted anticipatory bail by this Court. He, thus, submits that the petitioner deserves to be granted bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioner and submits that there are call records, which proves the complicity of the petitioner to be the part of the conspiracy.

5. Affidavit of Mr. Gaurav Yadav, IPS, Director General of Police, Punjab Chandigarh, in compliance of order dated 18.02.2026, has been filed on behalf of respondent-State in the Court today, same is taken on record.

6. Learned State counsel has also opposed the submissions made by counsel for the petitioner and on instructions from ASI Balvir Singh, has submitted that though supplementary statement has been made by son of the complainant, against the petitioner regarding the *recce* but there are no call details collected in the present case. She, on instructions, has submitted that the charges are framed and out of total 34 prosecution witnesses, none has been examined so far. She has produced on record the custody certificate of the petitioner.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case has been roped on the basis of supplementary statement made by son of the complainant, after 09 days of the occurrence. Admittedly, co-accused of the petitioner have also been granted anticipatory bail by this Court. As submitted

before this Court, out of total 34 prosecution witnesses, none has been



examined so far.

8. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail to the petitioner. Accordingly, present petition is allowed and petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

24.03.2026
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(RAJESH BHARDWAJ)
JUDGE

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