

CRM-M-9996-2026

2026:PHHC:033795



149

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9996-2026

Vishal Kumar @ Bhoda

....Petitioner

Versus

State of Punjab

....Respondent

Date of Decision: March 05, 2026

Date of Uploading: March 05, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Naveen Batra, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG 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 bearing FIR No.55 dated 09.07.2025, registered for the offences punishable under Sections 333, 115(2), 303(2), 3(5) of the BNS, 2023 (Section 303(2) of the BNS deleted and Sections 117(2), 309(6) and 238 of the BNS added later on), at Police Station Talwara, District Hoshiarpur.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Manohar Lal stated that on 04.07.2025, at about 7:30 PM, when he was about to close his shop, four persons arrived outside the shop on a motorcycle. Out of them, one person entered the shop and threatened the complainant, stating that they had earlier warned him not to send videos and photographs of the crushers at Bringli. In the meantime, a second person entered the shop, raised a *lalkara*, and struck the complainant with a *dang*, the

CRM-M-9996-2026

blow landing on his head. Shortly thereafter, a third person also entered the shop, and all of them started assaulting the complainant with multiple *dang* blows, which landed on different parts of his body. During the course of the assault, the mask of one of the assailants slipped off. Thereafter, all the assailants fled from the spot.

The complainant later made a supplementary statement on 25.07.2025, wherein he identified and named Sumit, Shiv, and Vishal (*petitioner herein*) as the assailants involved in the occurrence. Vishal (*petitioner herein*) was subsequently apprehended by the police, and during interrogation he disclosed the identity of the fourth assailant. Accordingly, Pankaj was nominated as an accused.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 31.07.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, initially, the petitioner was not named in the FIR and it is only on the basis of supplementary statement of the complainant, the petitioner was nominated in this case, after a delay of more than 20 days of lodging the FIR in question. Learned counsel has also argued that co-accused of the petitioner – Pankaj alias Pankaj Sharma has been accorded concession of regular bail, vide order dated 10.11.2025 passed by this Court in **CRM-M-61714-2025**. Learned counsel has argued that upon culmination of investigation, challan stands presented in this case, and conclusion of the trial will take long. Nothing is to be recovered from the petitioner and, thus, no purpose would be served by keeping the petitioner behind bars further. 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,

CRM-M-9996-2026

the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 04.03.2026, in the Court today, 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 31.07.2025 and is in continuous custody since then. The challan, upon culmination of investigation, stands presented on 09.09.2025. Total 11 prosecution witnesses have been cited, and it is not in dispute that charges are yet not framed till date. Concededly, co-accused of the petitioner, namely, Pankaj alias Pankaj Sharma has been granted concession of regular bail, vide order dated 10.11.2025 passed by this Court. The rival contentions 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.

6.1. As per custody certificate dated 04.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 07 months and 03 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

CRM-M-9996-2026

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 factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, 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.
- (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.

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.

CRM-M-9996-2026

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

March 05, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No