

2026:PHHC:050006



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

CRM-M-10018-2026 (O&M)
Date of Decision: 01.04.2026
Date of Uploading: 01.04.2026

Mohammad Hasan

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

Mr. Sayyam Garg, Advocate
for the complainant.

SUMEET GOEL, J.(Oral)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (old Section 439 of Cr.P.C.) for grant of regular bail to the petitioner in case FIR No.191 dated 21.10.2025 registered for the offences punishable under Sections 105, 115(2) and 351(2) of the BNS, at Police Station Model Town, District Police Commissionerate, Ludhiana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

"Stated that I am resident of the abovesaid address and does private job. We are four brothers and sisters. My eldest brother namely Jaswinder Singh @ Prince aged approximately 38 years, who does the job of labour from last 7-8 months with the owner Goldy at his factory

Raheja Textile, House no. and 2222, Fauji Mohalla, Abdullapur Basti, Ludhiana. Yesterday, on 20.10.2025 at approximately 01.30pm in the afternoon, I was present in the park situated near my house, then one auto driver namely Sonu, who resides in our mohalla, informed me that 7-8 unknown persons after causing injuries to my elder brother Jaswinder Singh @ Prince, have thrown in a street in unconscious situation near Red Quarters, Railway Colony. I along with Sonu sat in his auto and immediately reached at the spot where we saw that my brother Jaswinder Singh is in unconscious state accordingly, I with the help of Sony made him sit in his auto and took him firstly to Civil Hospital, Ludhiana for his treatment, where the Doctors gave him the initial First Aid and the Doctor prepared his MLR bearing NO. MLR/ASN/149/25 dated 20.10.2025, whose receipt I am producing before you. That since the condition of my brother was very serious, therefore, the Doctors referred him to a bigger hospital. Thereafter, looking at the condition of my brother, I took my brother for treatment to Krishna Hospital, Model Town Ludhiana and got him admitted there where the Doctors further advised us to take him to even a bigger hospital keeping in view his condition.. Thereafter, I was taking my brother to CMC Hospital for his treatment then at that time, upon consistently asking my brother Jaswinder Singh @ Prince, he told me that the entire occurrence has taken place on the asking of the owner of the factory namely Goldy who caused injuries to me through his some unknown associates. The motive behind occurrence is that my brother Jaswinder Singh @ Prince, who work with the owner of Raheja Textiles namely Goldy from morning 09.00 till 07.00 pm and from 10.10.2025, on account of his illness, he was not going for work at the factory. That on 18.10.2025, my mother Manjit Kaur had gone to the factory owner namely Goldy to seek some advance for the treatment of my brother Jaswinder Singh & Prince where the factory owner Goldy had disrespected my mother Manjit Kaur and thereafter, thrown her out and further told her that I have already done the entire accounts of Prince despite today being a day of a festival, he has not come to the work, therefore, I have suffered huge losses and accordingly, produce him before me otherwise, I will not spare him. That on account of the abovesaid motive, I have complete faith that the owner of the factory namely Goldy through his some 7-8 persons caused injuries to my brother Jaswinder and have taken the revenge. That my brother was unable to bear the brunt of the injuries caused to him and accordingly, during his treatment, he died in Civil Hospital, Ludhiana. That his dead body is lying in the mortuary of CMC Hospital. That today, we all relatives have got together and had gone to the factory in order to enquire about the owner Goldy whereas, the owner Goldy did not give any satisfactory response to us, rather, further he threatened me and my family members for dire consequences. Today, I along with my brother in law Sahil Kumar S/o Sh. Ram Lubaya, R/o House No. 2208, Valmiki Gate, Mohalla Abdullapur, Basti Jodhewal, was coming to give information to you regarding the occurrence however, you have met us the way and accordingly, we have recorded our statement to you which has been read over to us and the same is correct.”

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 30.10.2025. Learned counsel has further

submitted that the petitioner has falsely been implicated into the FIR in question. Learned counsel has further submitted that the version put forward by the complainant-side in the FIR reflects that the deceased was killed on account of money dispute with one Goldy but the police has later-on found the said accused innocent. Learned counsel has further submitted that the evidence against the petitioner is in the form of CCTV footage and disclosure of petitioner himself and co-accused, namely, Sunil. Learned counsel has further submitted that assuming *arguendo*, the prosecution version is taken to be correct, the knife blow in question has been given by co-accused, namely, Sunil and not by the present petitioner. Learned counsel has further submitted that the petitioner is a man of clean antecedents. 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, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 31.03.2026 in the Court, 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 30.10.2025 whereinafter investigation was carried out and Challan was presented on 27.01.2026. Total 31 prosecution witnesses have been cited and it is the conceded case before this Court that none has been examined till date. 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.

6.1. As per custody certificate dated 31.03.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 04 months and 28 days & is stated to be not involved in any other case/FIR.

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.
- (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.
11. Pending misc. application(s), if any, also stand(s) disposed of.

April 01, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No