

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M No.11227 of 2026 (O&M)
Decided on: 07.04.2026

Mohammad Wasim Akram

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. B.B.S.Randhawa, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.191 dated 11.10.2025, for the commission of offence punishable under Sections 103, 109, 190, 191(3), 61(2) [Section 249 added later on] of Bharatiya Nyaya Sanhita 2023, and Sections 25 and 27 of Arms Act, Police Station City Batala, District Gurdaspur.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Amandeep Kumar', hereinafter being referred to as 'complainant' only. It was stated by the complainant that on 10.10.2025 at about 08:30 pm, he had visited the showroom of his brother-in-law, namely 'Sudhir Chanda', situated near



Chowk Jassa Singh Ramgarhia Hall, Batala. According to complainant, in the abovementioned showroom 'Chandra Chanda', the younger brother of his brother-in-law, along with 'Sarabjit Singh @ Kaka', 'Kanav Mahajan' and employees of showroom, namely 'Sanjeev Seth', 'Amritpal Singh' etc., were present.

3. It was further alleged by the complainant that after ten minutes, 'Kanav Mahajan' and 'Sarabjit Singh @ Kaka' went outside the showroom, where 2-3 young men were already present. As per complainant, four young persons riding on two motorcycles arrived there and two of them took-out revolvers/pistols from their waistbands and fired indiscriminately towards 'Kanav Mahajan' and 'Sarabjit Singh @ Kaka'. It was further alleged by the complainant that on hearing the sound of gunfire, 'Chander Chanda' and 'Amritpal Singh' rushed outside the shop, and that two young boys arrived on foot, joined the former assailants and fired gunshots. According to complainant, in the abovementioned incident, all of them had suffered injuries, but the injuries suffered by 'Sarabjit Singh @ Kaka' and 'Kanav Mahajan' proved to be fatal.

4. It is the case of the prosecution that in view of abovementioned information, formal FIR in this case was lodged and the investigation taken up.

5. The learned State Counsel has filed status report as well as custody certificate of the petitioner. The same be taken on record.

6. Heard.

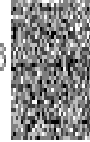


7. It has been contented on behalf of the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he is in custody for a period of more than five months. As per learned counsel for the petitioner, there is no allegation against the petitioner that he was present on the spot at the time of commission of offence, or that he was actively involved in any manner, whatsoever, in the commission of offence.

8. In addition to above, the learned counsel for the petitioner has also contended that benefit of bail has already been accorded to a similarly placed co-accused.

9. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, the petitioner played a pivotal role by harbouring the prime accused, namely Arsh, at his residence in New Delhi. The petitioner, despite having knowledge of the involvement of said accused in a serious offence of murder and attempt to murder, intentionally harbored him and facilitated his hiding from the investigating agency. Such acts squarely fall within the ambit of harboring an offender and reflect his active complicity in the offence. Considering the gravity of the allegations and the manner in which the petitioner assisted the accused in evading arrest, there is every likelihood that he may interfere with the trial, if granted bail. According to learned State Counsel, the petitioner's act of harbouring the shooter in a case involving a gruesome double murder, and multiple firearm injuries, renders him, dis-entitled for the concession of bail.

10. The record has been perused carefully.



11. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for a decision in the present petition:-

- i) that the petitioner is already in custody for a period of more than five months;
- ii) that the only allegation against the petitioner pertains to harbouring the main accused, but to support the abovementioned allegations, except the disclosure statement of co-accused, no other evidence has been collected by the Investigating Officer. With regard to disclosure statement, there is a question mark about its credibility & admissibility in evidence, as the same was recorded when the abovesaid co-accused was in police custody;
- iii) that the benefit of bail has already been accorded to the co-accused;
- iv) that the trial of this case is not likely to be concluded in near future;
- v) that the investigation in this case is already complete, and therefore, nothing has been left to be recovered from the possession of petitioner;
- vi) that the detention of petitioner in the judicial lock-up is not likely to serve any purpose;



- vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- viii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

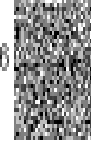
12. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has



been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

13. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 SCC 51 are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

14. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the



Hon'ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

15. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to an undertrial prisoner, as mandated by Hon'ble Apex court in 'Balwinder Singh versus State of Punjab and another' 2024 SCC Online SC 4354.

16. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

17. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the abovesaid benefit shall be subject to following conditions:-

- i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with



the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any other authority;

- ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- iii) that the petitioner shall not leave India without prior permission of trial Court.

18. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

07.04.2026
Manoj Bhutani

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