



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

145

**CRM-M No.12081 of 2026
Date of decision : 17.3.2026
Date of uploading : 17.3.2026**

Shiva Nand JhaPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Naveen Batra, Advocate, for the petitioner
Mr. Gaurav Gurcharan S. Rai, Senior DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. 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.121 dated 6.9.2025 under Sections 192, 196, 352, 353(2), 351(2), 299 and 61(2) of Bharatiya Nyaya Sanhita, 2023 and Section 67 of Information Technology Act, 2000, registered at Police Station Kathgarh, District SBS Nagar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Application No. 42-hand, PP Asaro, dated 05-09-2025 In service of, Incharge, Police Post Asaro, Police Station Kathgarh Subject: Regarding abusing in wrong manner and making video viral. Respected Sir, It is requested that I, Sikander Singh Sarpanch, son of Kuldeep Singh, resident of village Railmajra, and the present Sarpanch of village Railmajra, P.S. Kathgarh, today dated 05-09-2025, saw on social media a video which



was viral. In that video, Sujeet Kumar S/o Mohan Gupta, Shiv Kumar son of Laxmi Chah, Anubhav son of Ram Kumar, Anuj son of Rahul Mane and Ashu son of Late Harjinder Singh and 2-3 unknown persons who are not visible in the video residents of Prem Nagar, P.S. Kathgarh, District Shaheed Bhagat Singh Nagar made a video with phone and made it viral. In the said video, Sujeet Kumar, Shiv Kumar, Anubhav, Anuj and Ashu etc. have used dirty/abusive vocabulary and indecent language towards Punjab State, religion, community, language, and towards village Railmajra and the village Panchayat and targeted them, due to which there is danger of communal violence spreading and the situation can become tense and consequences can come in front of us. Therefore, the above said persons and unknown persons be identified and legal action be taken.'

3. Learned counsel for the petitioner has argued that the petitioner, 20 year old student of BCA, has been in custody for 01 month and 16 days. Learned counsel has further argued that the petitioner has been falsely implicated in the case due to party faction. Learned counsel has further argued that no specific role has been attributed to him as he is merely shown to be standing in the video without having occurred a single word, which is stated to have been circulated by Surjeet Kumar son of co-accused Mohan Gupta, who has been granted bail by this Court on 29.10.2025 and so has Anubhav Sharma, on 12.11.2025, Annexures P-5 and P-6, respectively. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. However, he is unable to controvert the submissions with regard to stage of investigation, co-accused being enlarged on bail and the petitioner not



being involved in any other case. Learned State counsel seeks to place on record custody certificate dated 17.3.2026 in 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. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 01 month and 16 days; not involved in any case; co-accused are on bail; challan *qua* co-accused was presented on 05.11.2025, but charges are yet to be framed; there are a total of 12 prosecution witnesses, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

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/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.

9. Ordered accordingly.

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

(SUMEET GOEL)
JUDGE

17.3.2026
Ashwani

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