

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

2026:PHHC:040090



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CRM-M-11947-2026

Date of decision: 16.03.2026

Date of uploading: 16.03.2026

Avtar Singh @ Dhattu

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. N.S. Dandiwal, Advocate, for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNS 2023 for grant of regular bail to the petitioner in case bearing FIR No.161 dated 14.07.2025 registered for the offences punishable under Sections 118(1), 191(3) of BNS 2023 (Section 118(2) of BNS added later on), at Police Station City Moga, District Moga.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement: This is the statement of Kashmir Singh, son of Harnek Singh, son of Veer Singh, age 27 years, resident of Duneke, Tehsil and District Moga. Mobile number 96535-

41256. Stated that I am a resident of the above-mentioned address and work with tractors for sand work. On dated 11.07.2025 at about 08:30 am in the morning, I was going to drop the children of my elder brother Sukhdeep Singh at Nehru Public School, Duneke, Moga. Then Dhattu, son of Nikka Singh and Nikka Singh son of Santa Singh, residents of Duneke, came to the school gate at Duneke. Dhattu was armed with a gandasa (chopper) and Nikka Singh said to Dhattu, "Catch him, let's teach him a lesson for messing with us." Then Dhattu struck me with his gandasa. To protect myself, I raised my hand upwards, and the gandasa hit directly on my arm, and I fell down on the ground. I raised an alarm of "killed, killed" (for help). Then both the accused fled from the spot. Meanwhile, my brother Sukhdeep Singh arrived at the spot, who arranged a private vehicle and took me to Civil Hospital, Moga, where I am undergoing treatment. The motive behind this is that accused Dhattu had previously fought with me regarding a vehicle issue, because of which he has caused me injuries. I am a claimant. Action should be taken. You have recorded my statement; I have heard it, and it is correct. Statement by Sd/- Kashmir Singh. Statement attested Sd/- Sukhdeep Singh 99882-41064. Verified Sd/-Ajit Singh ASI, PS City Moga, Date 14.07.2025"

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 28.10.2025. Learned counsel appearing for the petitioner has further submitted the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner while drawing attention to the report of the Medical Officer dated 24.07.2025 (copy whereof has been appended as Annexure P-2 with the petition in hand), has urged that the doctor has specifically opined that possibility of the injury in question being self-suffered cannot not be ruled out. Learned counsel appearing for the petitioner has further contended the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel opposed the grant of bail to the petitioner by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 15.03.2026 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. The petitioner was arrested on 28.10.2025 whereinafter investigation was carried out and challan was presented on 23.01.2026. Total 13 prosecution have been cited and charges have been nascently framed on 26.02.2026. It is not in dispute that before this Court that none of the prosecution witnesses has been examined till date. It is also not in dispute that conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as

enshrined under [Article 21](#) of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. [Article 21](#) of the Constitution applies irrespective of the nature of the crime.”

The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, shall be gone into 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 rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

7. As per the custody certificate dated 15.03.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 4 months & 15 days and is not shown to be involved in any other FIR/case.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. In view of above, the petition in hand is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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.
9. 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.
10. Ordered accordingly.
11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 16, 2026
Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No