



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

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**CRM-M No.12491 of 2026
Date of decision : 13.3.2026
Date of uploading : 13.3.2026**

Mohit Kumar**Petitioner**

Versus

State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. J.S. Lalli, Advocate, for the petitioner

Mr. Jaypreet Singh, 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.99 dated 5.10.2023 under Sections 323, 324 read with Section 34 of the IPC (Section 34 of IPC deleted and Sections 307 and 201 IPC added later on), registered at Police Station Division No.5, Jalandhar.

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

'Statement of Gaurav Sahota alias Gora son of Sham Lal resident of house number WQ-30 Basti Seikh Adda near Sud Hospital Jalandhar aged about 26 years 97794-51778. It is stated that I am resident of the above address. On 27/07/2023, me and my friend Ajay were both going to drop my uncle Maru at his house in Mochian Mohalla Basti Sheikh on our motorcycle. It was around 9:25 PM when we reached near the shop of Shinder Milkman



in Mochian Mohalla, then on turn, two young boys whose names were Chitta and Mohit were already standing. Our uncle Maru said to them to stand on a side of the passage, upon which got arguments started between these two and my uncle and also they scuffled and abused my uncle. Thereafter both these boys ran to their house and after a while they came back with the swords. Chitta hit me with his sword held in his hand which hit my head, he hit me again on my head and i raised my left arm to protect my head. The sword hit my arm. Mohit hit my friend Ajay with sword held in his hand which hit on Ajay's right shoulder. Hearing our screams, the residents of the locality gathered and seeing them gathering, both of them ran away from the spot. The reason behind this fight is that our uncle had asked them to stand on the side of the passage, and they beat us up for this. The talks of our compromise were going on which did not come fruitful. Statement has been got written and understood and its correct. Action be taken. SD/-Gaurav Sahota.'

3. Learned counsel for the petitioner has argued that the FIR in question was registered on 5.10.2023 for an occurrence of 27.7.2023. Learned counsel has further submitted that the petitioner was initially admitted to bail by the concerned Magisterial Court on 8.10.2024. Subsequently, the offence under Section 307 IPC was added on 20.2.2025 and thereafter, the petitioner was arrested on 10.2.2026. Learned counsel has further argued that once the petitioner was granted concession of regular bail by the Magisterial Court concerned, the police could not have arrested him even for additional/serious offence, without permission of the concerned Court. Learned counsel has further submitted that there is no allegation of misuse of concession of bail, earlier afforded to him. Learned counsel has further submitted that offence under Section 307 of IPC is not made out against the petitioner from the factual matrix of the case. Learned counsel has further iterated that the petitioner is a young



man aged 24 years with no criminal antecedents. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. 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. Learned State counsel seeks to place on record custody certificate dated 12.3.2026 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. It is not in dispute that the occurrence took place on 27.7.2023 and the FIR in question came to be registered on 5.10.2023. The petitioner was released on regular bail by the concerned Magisterial Court on 8.10.2024 and subsequently Section 307 of IPC was added on 20.2.2025. It is thus indubitable that culmination of trial will take its own time. The rival contention of learned counsel for the parties; as to whether offence under Section 307 of IPC is made out; 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 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 12.3.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of



01 month and 2 days & is not shown to be involved in any other case.

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.

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

(SUMEET GOEL)
JUDGE

13.3.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No