



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

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**CRM-M No.13304 of 2026
Date of decision : 9.4.2026
Date of uploading : 9.4.2026**

Akash @ Kashi**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Yaseen Sethi, Advocate and
Ms. Akshita Nanda, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.83 dated 6.6.2024, registered for the offences punishable under Sections 302, 506, 148, 149, 120-B of IPC (Charges framed under Sections 148, 149, 120-B, 302, 506 and 201 of IPC on 4.1.2025), registered at Police Station Division No.2, District Pathankot.
2. The gravamen of the FIR in question is that complainant, namely, Raj Kumar, has alleged that on 03.06.2024, when the deceased (Sunny alias Landa– brother of the complainant) returned home after plying his auto-rickshaw, he appeared distressed and informed the complainant that all five accused persons, including the present petitioner,



had quarreled with him regarding the picking up of passengers. It is further alleged that on 05.06.2024, while the brother of the complainant was present in the street, the complainant heard a hue and cry and immediately reached the spot along with his nephew, Abhishek Kumar. Upon reaching there, the complainant allegedly witnessed that co-accused– Harpreet Singh @ Happy, who was armed with an iron *datar* (billhook), inflicted blows using both the reverse and the sharp-edged side on the left arm of Sunny alias Landa. It is further alleged that co-accused – Ranjit Singh alias Daddu inflicted *datar* blows on the right arm of the complainant; co-accused– Sahib Singh alias Saabi inflicted *datar* blows on the left leg of the deceased; co-accused– Akash alias Kashi (*petitioner herein*) inflicted *datar* blows on the right leg; and Honey inflicted *datar* blows on the back and chest of the brother of the complainant, as a result of which he fell down on the street.

The complainant and his nephew, Abhishek Kumar, raised an alarm, whereupon the accused persons, including the present petitioner, fled from the spot in a car. The injured was immediately taken to the hospital, where he was declared brought dead.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 6.6.2024. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that trial is procrastinating and out of total 28 cited prosecution witnesses, only 03 have been examined, whereas, 01 has been given up till date. Learned counsel has argued that one of the prime



prosecution witness, namely, Abhishek Kumar has been given up by the Public Prosecutor concerned as having been won over and eye-witness/FIR-complainant already stands recorded as prosecution witness. Learned counsel has further submitted that the petitioner has suffered incarceration for about 01 year and 10 months. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit of Vipan Kumar, PPS, Deputy Superintendent of Police, Sub-Division City, District Pathankot in Court today. The same be kept on record. Raising submissions in tandem with the said status report, learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel has further submitted that in case, the petitioner is granted concession of regular bail, there is all likelihood that he may abscond from the process of justice and also interfere/ intimidate the prosecution evidence/ witnesses. Learned State counsel seeks to place on record the custody certificate dated 7.4.2026, in the Court today, 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 6.6.2024, whereinafter, the investigation was carried out and the challan has been presented on 4.9.2024. Out of total 28 cited prosecution witnesses, 3 have been examined and 01 has been given up till date.



6.1 At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“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.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.2 As per custody certificate dated 7.4.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 9 months and 27 days. As per the said custody certificate, the petitioner is stated to be involved in 2 more cases/FIR under the provisions of BNS. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in



question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

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

9.4.2026
Ashwani

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