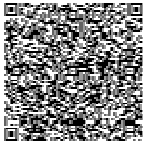


CRM-M-16297-2026

2026:PHHC:051649



123
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-16297-2026

Amarbakhsh Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

Date of Decision: April 06, 2026
Date of Uploading: April 06, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. R.K. Grewal, Advocate and
Mr. Deepanshu Meena, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS, 2023/ Section 439 Cr. P.C. seeking grant of regular bail to the petitioner, in case bearing FIR No.0049 dated 13.04.2025, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 191(3), 190 of the BNS, 2023 (Sections 304, 238 and 118(2) of BNS added later on) [earlier Sections 341, 323, 324, 148, 149 of IPC (Sections 379, 201, 326 of IPC added later on)], at Police Station Badhni Kalan, District Moga.

2. The gravamen of the allegations against the petitioner is that the petitioner along with his co-accused has caused grievous injuries, with ‘*khanda*’, on the head of complainant – Jaskaran Singh and snatched a silver chain and Rs.1,800/- in cash from the complainant.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 22.01.2026. Learned counsel has further argued that the

CRM-M-16297-2026

petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that though the police has presented challan *qua* offence alleged under Section 118(2) of the BNS (erstwhile Section 326 of IPC), whereas, factual *milieu* of the case in hand reflects that offence against the petitioner would fall maximum under Section 115(2) of BNS (erstwhile Section 323 of IPC). Learned counsel has further iterated that injured stands discharged long ago. Learned counsel has argued that investigation *qua* FIR in question is complete and culmination of trial would take time. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the 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 also seeks to place on record the custody certificate dated 05.04.2026, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner is in custody since 22.01.2026, whereinafter, investigation was carried out and the challan *qua* the petitioner has been presented on 17.02.2026. Total 13 prosecution witnesses have been cited and it is not in dispute that charges are yet not framed. It is thus, indubitable, that conclusion of the trial will take long. The rival contentions raised at Bar; including as to whether offence under Section 118(2) of the BNS (erstwhile Section 326 of IPC) or under Section 115(2) of BNS (erstwhile Section 323 of IPC) is made out against the petitioner; shall be ratiocinated upon 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

CRM-M-16297-2026

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 the custody certificate dated 05.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 months and 14 days.

6.2. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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 factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, 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.

CRM-M-16297-2026

- (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.

9. Ordered accordingly.

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

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

April 06, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No