

2026.PHHC.054446



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

231

CRM-M-17762-2026

Date of decision: 8th April, 2026

Abhishek @ Abhi

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arnav Sood, Advocate and
Mr. Manpreet Singh, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh with
Mr. Dixit Bhardwaj, Advocate and
Mr. Sarasmi Budhiraja, Advocate.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 152 dated 02.10.2025 registered under Sections 109, 191(2), 191(3), 190, 115(2) and 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of Arms Act, 1959 at Police Station West Sector 11, Chandigarh.

2. The aforementioned FIR was registered on the basis of a statement recorded by the complainant Aditya, alleging therein that on the intervening night of 01/02.10.2025, he along with his friend Manish had gone to the market of Sector 15, Chandigarh for the purpose of eating dosa from a

2026.PHHC.054446



Dosa cart. While they were standing and waiting for dosa, 6-7 persons who were already present there entered into a verbal altercation with them and then started hurling abuses. Thereafter, they opened an assault upon the complainant and his friend. One of them, struck blows with some sharp edged weapon to the complainant and his friend and thereafter, they fled away. The complainant and his friend were rushed to hospital and had sustained serious injuries. After registration of FIR, investigation proceedings were initiated. Accused Chand was arrested. He suffered disclosure statement on the basis of which the petitioner was nominated as an accused and was arrested on 08.10.2025. Other accused were also arrested. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He has clean antecedents. He is in custody since long. He is not required for further investigation. The only role attributed to the petitioner is of giving punches and kicks to the complainant and his friend. No specific injury has been attributed to him. No weapon has been recovered from him. His antecedents are clean. No useful purpose would be served by detaining him in custody anymore. It is, thus, argued that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. While placing on record the custody certificate of

2026.PHHC.054446



the petitioner, it is submitted by him that keeping in view the gravity of the allegations as levelled against the petitioner and the nature of the injuries sustained by the victims, the petitioner does not deserve to be extended benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have voluntarily caused simple as well as grievous injuries to the victims. The victims had sustained injuries with sharp edged weapon i.e. knife. However, the petitioner has been attributed the act of giving punches and kicks to the victims. Though, the allegations prima facie make out a case for commission of subject offences against him, however, he has been in custody since 08.10.2025. Investigation stands concluded. Trial will take time as no prosecution witness has been examined so far. No useful purpose would be served by detaining him in custody anymore. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentence and that bail is the rule and jail is an exception. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. Taking into consideration the period spent by the petitioner in custody and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be

2026:PHHC:054446



released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and further subject to the conditions that during the pendency of the trial he shall not try to extend any threat to the victims or the other eye-witnesses and shall not try to contact with them in any manner, that he shall appear before the learned trial Court as and when directed, he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO and the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th April, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |