

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23040-2025

Date of decision: 03.02.2026

Harmanpreet Singh @ Harman

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Yajur Sharma, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

Mr. Ajay Kumar Vermani, Advocate for the complainant.

AARADHNA SAWHNEY, J (ORAL)

1. Petitioner, an accused in case FIR No.285 dated 26.12.2024 for the offence punishable under Sections 109,140,309(4),3(5) of BNS (Section 238 of BNS has been added later on) registered at P.S Sadar, District Police Commissionerate Amritsar, has prayed for grant of regular bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Jatin Chaudhary, working online as a Research Consultant at Albert Einstein College of Medicine, New York, USA set the criminal law in motion pointing therein that at around 7.30 pm on 21.12.2024, he had gone out for a evening walk. When he reached near Saint Sai School, close to 27 Feet Road, Majitha Road, Amritsar, two young boys arrived on a motorcycle, one of whom was known to him. They halted their vehicle right next to him and told him that they are going towards Gurudwara Sri Chand located on Majitha Road near Verka Bypass. They asked him to accompany them. When he (complainant) refused, threats were issued. Being terrified, he sat on their motorcycle and was taken towards dirty drain near Gurudwara Sahib. He alighted from the motorcycle and noticed a person standing with a muffled face, who had an iron rod in his hand. Before he (complainant) could react, the miscreants snatched Rs.3000/- from his pocket and also tried to take away his mobile phone. Since the mobile phone

contained enough data of the Company, he (complainant) raised an objection,

which was not taken lightly by the miscreants, who got offended and suddenly unleashed an attack on him. One of them, who was armed with a sharp object like weapon gave a blow with the same on his neck. Other two also joined and gave him blows with iron rods. Due to neck injuries, he (complainant) started bleeding profusely and raised an alarm. Sensing trouble, all the assailants fled away with their respective weapons. Some passer-bys made arrangements and rushed him to hospital. Primarily with this backdrop, he requested the police Authorities to catch hold of all the three assailants, who had not only snatched his valuables but had also mercilessly assaulted him. On the basis of said complaint and medico-legal report, aforesaid case was registered against the petitioner.

3. Petitioner, whose name cropped up in the disclosure statement of other two assailants, was questioned and on finding sufficient incriminating material against him, he was arrested on 06.01.2025. During the course of investigation, apart from confessing to his involvement, the petitioner got recovered 'knife' used by him in the commission of offence.

4. Petitioner filed an application for grant of bail before the learned Addl. Sessions Judge, Amritsar. Same came to be dismissed vide order dated 25.03.2025. Aggrieved of which, present petition has been filed.

5. Learned counsel for the petitioner contends that the petitioner whose name did not figure in the FIR has been falsely implicated in the present case only on the basis of disclosure statement of co-accused. The falsity of the case set up by the prosecution is apparent from the fact that the star witness i.e complainant-injured, while appearing in the witness box as PW4 did not support the case of the prosecution inasmuch as he deposed that the petitioner and other two persons present in the Court are not the persons, who had inflicted injuries on him and had snatched his valuables. Certified copy of the said statement placed on record, has been referred to by learned counsel. It has, thus, been prayed that in the light of aforesaid fact, further detention of petitioner would not serve any useful purpose.

Therefore, prayer is made for taking lenient view in the matter.

6. *Per contra*, opposing the prayer for grant of bail, learned State counsel has referred to the status report filed by way of affidavit of Inspector Harsandeep Singh, SHO, P.S Sadar, Amritsar. In para 21 thereof, the role of the petitioner has been highlighted. Though, it has not been disputed that while appearing in the witness box, star witness of the prosecution story refused to identify the petitioner as one of the assailants. Learned State counsel further admits that past antecedents of the petitioner are quite clean as he is not involved in any other case.

7. I have heard learned counsel for the parties and perused the documents with their able assistance.

8. In view of submissions advanced by learned counsel for the petitioner, taking note of the fact that complainant-injured/star witness of the prosecution story did not support the case of prosecution, lenient view is taken in favour of the petitioner, who has been in custody since 06.01.2025 and whose past antecedents are quite clean by extending him the concession of bail as this Court is of the opinion that in the light of aforesaid facts, no useful purpose would be served by his further detention, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “Bail is a general rule and incarceration is an exception” as held by Hon’ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131**.

9. Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

(i) The petitioner will not tamper with the evidence during the trial.

- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

10. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

03.02.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No