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

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Date of decision : 20.05.2026

GAURAV KUMAR @ GOURAV

... PETITIONER

Versus

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. S.S. Maini, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

H.S. Grewal, J.(Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 439 Cr.P.C.) seeking regular bail to the petitioner in case FIR No.20 dated 24.09.2023 registered under Sections 326, 324, 323, 506, 34 of IPC [Sections 118, 115(2), 62, 3(5) of BNS], Sections 201 and 307 of IPC added later on (corresponding to Sections 238 and 109 of BNS] at Police Station GRP Abohar, District Fazilka.

2. The case of the prosecution is that the petitioner, along with co-accused Sahil Wadhwa, attacked the nephew of the complainant and caused multiple injuries . It is alleged that co-accused Sahil inflicted kappa blows on the victim, one of which hit his right cheek, another on his forehead, and a third on the right side of his head. The petitioner is alleged to have inflicted three kappa blows, out of which two struck the left side of the victim's head and one hit his left wrist. It is further alleged that Sahil inflicted another kappa blow on the little finger of the victim's left hand, resulting in amputation of the finger.

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After the injured fell on the ground, co-accused Sahil allegedly gave another kappa blow, which struck above his right wrist. Since the injuries attributed to the accused persons were declared dangerous to life, the offence under Section 307 IPC was subsequently added.

3. Learned counsel for the petitioner, however, submits that the petitioner has been falsely implicated in this case and the grievous injuries have been attributed to co-accused Sahil Wadhwa. It is further submitted that the petitioner is in custody for the last more than 02 years, 07 months and 21 days and is not involved in any other case. He, therefore, prays for release of the petitioner on regular bail as the trial is likely to take a long time as none of the 36 cited prosecution witnesses has been examined so far.

4. Notice of motion to respondent No.1 only at this stage.

5. On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, accepts notice on behalf of the respondent No.1 and vehemently opposes the prayer for grant of regular bail to the petitioner. He has filed the custody certificate of the petitioner in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 02 years, 07 months and 21 days. He, upon instructions, submits that none of the 36 cited prosecution witnesses has been examined so far.

6. I have heard the learned counsel for the parties and perused the record.

7. In view of the above submissions of learned counsel for the parties and keeping in view the facts that the petitioner is in custody for the last more than 02 years, 07 months and 21 days, he is not involved in any other criminal case and that the trial is likely to take a long time to conclude as none of the 36



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cited prosecution witnesses has been examined so far, therefore, this Court deems it appropriate to grant the concession of regular bail to the petitioner during the pendency of the trial as the continuous detention of the petitioner would not serve the ends of justice.

8. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of *Pardeep Kumar @ Banu versus State of Punjab*, bearing Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025), decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to punishment without trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10. However, it is made clear that in case the petitioner misuses the concession of bail, the State/complainant would be at liberty to seek cancellation of his bail.

May 20, 2026
Sonia

(H.S.GREWAL)
JUDGE

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