

CRM-M-24048-2026

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

CRM-M-24048-2026

Date of Decision: 05.05.2026

Bugani Kumar @ Gaggi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kanwaljeet Singh Brar, Advocate, for the petitioner.

Mr. Kuljinder Dhindsa, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.80 dated 05.10.2024, registered under Sections 109, 118(1), 307, 3(5), 351(2) of BNS, 2023 (Section 118(2) BNS, added lateron), at Police Station Raman, District Bathinda.

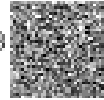
2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Ashok Kumar. It was alleged that his brother Hari Om Gupta @ Deepu used to live at the liquor vend on 05.10.2024. At about 4.30 p.m., he went to his brother Hari Om Gupta @ Deepu for some work, who was sitting outside the liquor vend. In the meantime, two motorcyclists with muffled faces came and the pillion rider gave Kappa blow upon his brother with the intention to kill him, which hit on his left elbow. He raised alarm. Immediately, the pillion rider gave second kirpan blow on the left shoulder of his brother. Then the second person gave Kappa blow towards his brother, which hit below the left shoulder. Then both the persons picked up the money box of the liquor vend and fled away while giving threats. The injured was shifted to the hospital.

Thus, the request was made to take legal action against the accused. On the



basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner, namely, Bugani Kumar @ Gaggi, surfaced and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 07.10.2024. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Bathinda praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, learned Court dismissed the bail application filed by the petitioner vide order dated 04.04.2025. Earlier the petitioner approached this Court by way of filing CRM-M-28927-2025, however, the same was dismissed as withdrawn vide order dated 02.09.2025. Hence, the petitioner is again before this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner named in the FIR, nor any specific role has been attributed to him. However, it is after the registration of the FIR, petitioner has been roped in the present case on the basis of assumptions and presumptions. He contends that the complainant belongs to Uttar Pradesh and despite theailable warrants having been issued against him, he is not appearing before the trial Court. It is contended that injured Hari Om has already been examined and thus, there is no probability of the petitioner having influenced the injured witness. He submits that the petitioner is behind the bars from the last 01 year and 07



months and the trial is being delayed by the prosecution by not producing the complainant. It is further contended that though the petitioner is involved in two other cases, however, he is on bail in those cases. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. He submits that complicity of the petitioner was duly proved during the investigation. The petitioner caused three blows of kappa on the head and shoulder of the injured which resulted into fracture. He further contends that the injured has been examined and he has duly supported the case of the prosecution. On instructions, he has submitted that out of total 16 prosecution witnesses, 02 witnesses have been examined so far. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR was lodged against the unknown persons. The petitioner was arrayed as an accused during the investigation. The injured witness has already been examined. The zimini order dated 27.02.2026 produced by learned counsel for the petitioner would show thatailable warrants in the sum of Rs.5,000/- have been sent to secure the presence of the complainant, namely, Ashok Gupta. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 06 months & 24 days as on 05.05.2026. It further shows that the petitioner is facing prosecution in two other FIRs, however, he is on bail in the same. Out of 16



prosecution witnesses, 02 witnesses have been examined. Speedy trial is right of every accused.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

05.05.2026
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No