

2026.PHHC.072237



CRM-M-24988-2026

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

208

CRM-M-24988-2026 (O & M)

Date of decision: 08.05.2026

PAWAN @ PAWAN DHAKA @ PAWAN KUMAR AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Karanjeet Singh Brar, Advocate,
for the petitioners.

Ms. Manjot Kaur, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioners in cross G.D. No.02 dated 21.7.2024, under sections 307, 447, 511, 427, 148, 149 IPC of 1860 (Corresponding Sections 109, 329 (3), 62, 324 (4), 191 (3) & 190 of BNS, 2023) and section 25, 27 of Arms Act, 1959, (Later on offence under sections 302, 120B IPC of 1860 (Corresponding Sections 103, 61 (2) of BNS, 2023) and section 13 of P.C. Act, 1988 has been added), in case bearing FIR No.128 dated 20.8.2020, under sections 302, 307, 460, 447, 509, 511, 148, 149, 120-B IPC of 1860, (Corresponding Sections 103, 109, 125, 331 (8), 329 (3), 79, 62, 191 (3), 190, 61 (2) of BNS, 2023) and

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sections 25 and 27 of Arms Act 1959, registered at P.S. Bahavwala District Fazilka.

2. Learned counsel contends that petitioners have been in custody for the last 1 year, 9 months and 10 days; 2 years, 1 month and 10 days and 1 year, 9 months and 7 days, respectively. He alleges false implication. Their names surfaced based on the disclosure statement of co-accused, Sanjay Kumar. Similarly circumstanced, co-accused, namely, Rupesh has since been granted regular bail by this Court, vide order Annexure P-4, after being in custody for 1 year, 4 months and 14 days, who was also involved in other cases. The petitioners are stated to be co-conspirators, however, no allegations of having fired are against them. Charges have been framed on 27.03.2025 and out of 47 PWs, none has been examined. Petitioner No.1 is involved in 3 more cases wherein he is on bail; petitioner No.2 in 1, while petitioner No.3 is not involved in any other case. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificates dated 07/08.05.2026, filed by the learned State counsel are taken on record. As per the same, the petitioners are behind bars for 1 year, 9 months and 10 days; 2 years, 1 month and 10 days and 1 year, 9 months and 7 days, respectively.

4. Learned State counsel opposes the bail on the ground that the petitioners have conspired with the co-accused, who were the aggressors and had come to grab the land of the complainant party i.e. Amit and

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Rajender. However, she is unable to controvert the submissions with regard to stage of the case; co-accused having been enlarged on bail and petitioner No.1 being on bail in other cases and petitioner No.3 being not involved in any other case.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, “As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc.” Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, “The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

7. Considering the facts and circumstances of the case and the submissions made on behalf of the petitioners, in particular they being in custody for the last 1 year, 9 months and 10 days; 2 years, 1 month and 10 days and 1 year, 9 months and 7 days, respectively; co-accused is on bail; petitioner No.1 on bail in other cases while petitioner No.3 being not involved in any other case; charges were framed on 27.03.2025 and none, out of 47 PWs, has been examined; the trial is likely to take a considerable time and further incarceration of the petitioners would be

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violative of their right enshrined under Article 21 of the Constitution of India, thus the present petition is allowed.

8. The petitioners are ordered to be released on regular bail on their furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. It is made abundantly clear that in case there is any breach of the conditions imposed by the Court concerned, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

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

08.05.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No