

CRM-M-26994-2025

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

112

CRM-M-26994-2025 (O&M)

Date of Decision: 30.03.2026

Harpal Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

112a

CRM-M-39848-2025

Date of Decision: 30.03.2026

Gaurav @ Guri

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

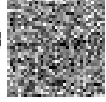
Present: Mr. Ashish Nagar, Advocate and
Mr. Puneet Pali, Advocate, for the petitioner
in CRM-M-26994-2025.
Mr. Sunny K. Singla, Advocate
for the petitioner in CRM-M-39848-2025.
Mr. Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)**CRM-13483-2026 in CRM-M-26994-2025**

Allowed as prayed for. Annexures P-5 to P-7 are taken on
record.

Main cases

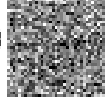
1. By this order, the two above-mentioned petitions are disposed of, both having arisen out of the same FIR.
2. Prayer in the present petitions is for grant of regular bail to the petitioners in a case FIR No.76 dated 12.06.2023 under Sections 307, 323, 506, 148, 149 IPC, at Police Station Phase -8, District SAS Nagar (Mohali).
3. Succinctly, facts of the case are that FIR in the present case was



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registered on the statement of complainant Harsh. It was alleged that on 11.06.2023, at about 08:00 p.m. in the park opposite to Lawrence School, Village Kumbra, Gaurav @ Guri (petitioner in CRM-M-39848-2025) and Rahul Modgil, had hot arguments on some issued and they also slapped each other. However, on intervention of the villagers, the matter got compromised between them. It was alleged that when the complainant, Rahul Modgil and his friend, namely, Prince were standing in front of shop of Bassi Doctor, then about 10-11 boys arms with *gandasis* and swords came on three motorcycles and one Activa scooter from street side with intention to kill and opened attacked on them. One Sardar boy gave *gandasi* blows on the head and right hand palm of the complainant. All the accused persons caused grievous injuries to the complainant and Prince. However, the complainant and Prince managed to escape from there and thereafter, they were shifted to Civil Hospital, Phase-6, Mohali. Motive behind the attack was that Gaurav @ Guri and Rahul Modgil had a dispute on the issue of one girl and Gaurav @ Guri, Harpal Singh @ Babbu (petitioner in CRM-M-26994-2025), Karanvir Singh, Arjun and Hardeep Singh were named by the complainant. Thus, request was made to take legal action against the accused persons. On the registration of the FIR, the investigation commenced. The petitioners were arrested on 12.06.2023. They approached the Court of learned Additional Sessions Judge, SAS Nagar Mohali, praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by the petitioners vide order dated 03.11.2023 and 16.11.2023, respectively. Earlier, petitioner Harpal Singh approached this Court twice by way of filing CRM-M-59522-

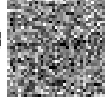


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2023 and CRM-M-38171-2024, however, the same were dismissed as withdrawn vide separate orders dated 24.01.2024 and 05.03.2025, whereas, petitioner Gaurav @ Guri, filed CRM-M-34698-2024, which was dismissed as withdrawn vide order dated 05.03.2025. Hence, petitioner Harpal Singh has again approached this Court praying for grant of regular bail by way of filing the present third petition, whereas, petitioner Gaurav @ Guri has approached this Court by way of filing the present second petition.

4. It has been vehemently contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. They submit that the alleged occurrence took place on 11.06.2023. It is submitted that though the petitioners were named in the FIR, however, petitioner Harpal Singh allegedly caused simple injury to the complainant, whereas, petitioner Gaurav @ Guri had not been attributed any injuries. It is also contended that offence under Section 307 IPC is not even made against the petitioners. To buttress their arguments, they have submitted that the petitioner have no criminal antecedents, as they have never been involved in any other criminal case. They have further submitted that the petitioners are behind the bars from the last more than 2½ years, but till date even a single witness has not been examined by the prosecution and thus, fundamental right of the petitioners of speedy trial is miserably defeated. To buttress their arguments, they have further submitted that co-accused Karanvir Singh @ Karabir Singh, who had attributed injuries under Section 307 IPC, has been granted regular bail by this Court vide order dated 21.07.2025 passed in CRM-M-62628-2024. It is, thus, submitted that in the overall facts and circumstances, the petitioners deserve to be granted regular bail.

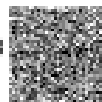


5. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioners. It is submitted that the petitioners not only were part of the unlawful assembly, but they have played an active role in the commission of offence. It is contended that co-accused Karanvir Singh @ Karanbir Singh had been granted regular bail by this Court on the misstatement of the fact that he had not caused any injuries falling under Section 307 IPC. On instructions, he submits that out of total 19 prosecution witnesses, none has been examined till date. He has placed on record the custody certificates of the petitioners.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioners were alleged to be part of the unlawful assembly. Injuries attributed to petitioner Harpal Singh were found to be simple in nature, whereas, petitioner Gaurav @ Guri has not been attributed any injury. The custody certificates of the petitioners would show that they have suffered incarceration of 02 years, 09 months & 11 days as on 28.03.2026 and they have no criminal antecedents. Out of 19 prosecution witnesses, none has been examined till date.

7. Speedy trial is the right of every accused. The Hon'ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to



public confidence in the administration of justice.”

8. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

9. 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 petitioners succeed in making out a case for grant of regular bail to the petitioners.

10. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

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

12. It has been submitted by learned State counsel that co-accused Karanvir Singh @ Karanbir Singh had been granted bail on the misstatement of the fact, thus, the State would be at liberty to avail its remedy in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

30.03.2026
sharmila

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