

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

2026.PHHC.089481



**CRM-M-32090-2026 (O&M)
Date of Decision: 02.07.2026**

PARVEZ ALI @ BUNTY **... PETITIONER**
STATE OF PUNJAB **VERSUS** **... RESPONDENT**

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

Present:- Mr. Yashpal Thakur, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. Third petition for regular bail has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (439 Cr.P.C.) in FIR No.33, dated 04.04.2024, under Sections 302, 341, 323, 506, 34 of IPC (corresponding Sections 103(1), 127(2), 115(2), 351(2), 3(5) of BNS) registered at Police Station City-II, Malerkotla, Punjab.

2. The case of the prosecution is that on 03.04.2024, the husband of the complainant, Shamshad, had come to his home for lunch. At that time, their neighbours, namely Parvez Ali @ Bunty (present petitioner), Kayam Hussain @ Kayam and Sajeb Hussain @ Sunny, came in front of their house. All three allegedly started abusing the complainant's husband and threatened to teach him a lesson. Kayam Hussain @ Kayam caught hold of Shamshad, while the petitioner hit him on the head with a bat, causing him to fall on the ground. Upon the complainant raising an alarm, all three accused allegedly fled from the spot. Thereafter, the injured was shifted to the Civil Hospital, Malerkotla where due to his critical condition, he was subsequently referred to PGI, Chandigarh, where, he succumbed to the

injuries on 06.04.2024.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The material witnesses namely Abid, Shehnaz, Mohd. Imtiaz, Nadeem Ahmed have not supported the case of the prosecution and have turned hostile. The petitioner is in custody for the last 02 years, 01 month and 29 days. He, thus prays for grant of bail to the petitioner.

4. Notice of motion.

5. Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of the State and vehemently opposes the prayer for grant of regular bail to the petitioner on the ground of gravity of allegations. Learned State counsel has filed the custody certificate in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last 02 years, 01 month and 29 days.

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

7. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that the material witnesses have not supported the case of the prosecution; the petitioner is in custody for more than 02 years, 01 month and 29 days and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

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 trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

11. It is clarified that while on bail so granted through the instant order the petitioner is found indulging in any other criminal case, it shall be open to the State to seek cancellation of his bail.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

02.07.2026

Janki

(H.S.GREWAL)
JUDGE

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