

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026.PHHC:089452



CRM-M-32081-2026 (O&M)

Date of Decision: 02.07.2026

RISHI MATTU

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

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

Present:- Mr. Anupam Mathur, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) (439 Cr.P.C.) in FIR No.29 dated 10.03.2025, under Sections 103, 191(3), 190, 126(2), 351(2) of BNS, 2023 (erstwhile Sections 302, 148, 149, 341 & 506 IPC), registered at Police Station Lahori Gate (Division No.4), District Patiala.

2. The case of the prosecution is that co-accused Nitin inflicted knife blows upon Harjinder Singh @ Moti, which resulted in his death. It is further alleged that some unknown persons, who were accompanying Nitin, also gave beatings to the deceased. The role attributed to the petitioner is that he caught hold of left arm of the deceased.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The petitioner has been nominated on the basis of the disclosure statement made by the co-accused. He further submits that the petitioner is in custody for the last 01 year, 03 months and 13 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. He further submits that as per the custody certificate, the petitioner is in custody for the last 01 year, 03 months and 13 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 petitioner has been nominated on the basis of the disclosure statement; the petitioner is in custody for the last 01 year, 03 months and 13 days; the trial is yet to commence 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. Moreover, *'bail is rule and jail is exception'*.

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