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

**CRM-M No.31874 of 2025
Date of Decision: 12.02.2026**

Mohd. Aftab Alam @ Munna**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Rajesh Gupta, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.7, dated 08.01.2023, under Sections 323, 325, 341, 506, 34 of IPC, registered at Police Station Salem Tabri, Police Commissionerate Ludhiana.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of injured-complainant, namely, Amrish. It was alleged that on 04.01.2023, the complainant was playing cricket outside his house and during the match, the ball went in the house of Munna @ Aftab, i.e. the petitioner. The complainant went to fetch the ball, however Munna @ Aftab got infuriated and started beating him with stick/bat. He gave a blow of bat on his arm and thereafter, blow was given



on his head. The complainant suffered injuries and thus, on raising alarm, the people gathered and the assailant fled away from the spot. His father shifted him to the Hospital for treatment. Thus, the request was made to take legal action against the accused. On registration of the FIR, the investigation commenced. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner was arrested on 16.10.2024. The petitioner approached the Court of learned Additional Sessions Judge, Ludhiana praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Ludhiana declined the bail application filed by the petitioner vide order dated 16.10.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-57924-2024 praying for the grant of bail, however the same was dismissed as not pressed vide order dated 08.05.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner and the complainant side, both are neighbors. He has submitted that the petitioner was arrested on 16.10.2024 and since then, he is behind bars. He has submitted that the complainant and other prosecution witnesses are intentionally not appearing before the learned trial Court so as to prolong the incarceration of the petitioner. He has submitted that the learned trial Court has issuedailable warrants for summoning the injured-complainant and their witnesses, however, despite that, they have not appeared before the learned trial Court. He has



submitted that the right of speedy trial of the petitioner is miserably defeated. He has submitted that the investigation is already complete and the petitioner is behind bars from last more than 01 year. He thus has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is the main accused, who has given the bat/stick blow on a young boy, i.e. complainant. He has submitted that the injuries attributed to the petitioner were declared dangerous to life. He has submitted that the complainant belongs to Uttar Pradesh and the Investigating Agencies have tried to trace the witnesses but till date, they have not been found to be residing at the given address and thus, they could not be examined. He, on instructions from ASI Harnesh Lal, has submitted that out of total 10 prosecution witnesses, no witness has been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it has been apprised that despite best efforts, the injured-complainant and his family members, who belong to Uttar Pradesh, used to reside in a rented accommodation and thus, they could not be traced. The petitioner is behind bars since 16.10.2024. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 03 months & 26 days as on 11.02.2026. It further reflects that the petitioner is not involved in any other case. Needless to say that every



accused has the right of speedy trial. The complainant-injured though is not traceable, thus, the Court is of the opinion that the petitioner deserves to be granted bail.

7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, 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.

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

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

12.02.2026
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(RAJESH BHARDWAJ)
JUDGE

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