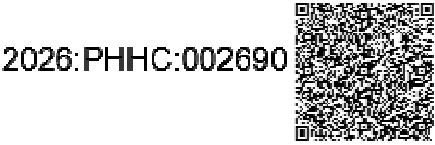


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Gobind Singh
....Petitioner
versus
State of Punjab
....Respondent

Date of decision: January 13, 2026
Date of Uploading: January 13, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Khushkaran K. Goyal, Advocate and
Mr. Sanpreet S. Kalra, Advocate and
Mr. Amanjot S. Sidhu, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

Mr. Soransh Sabharwal, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to
the petitioner in case bearing FIR No.287 dated 23.10.2024, registered for the
offences punishable under Sections 109, 127(1), 303(2), 324(4), 118(1) & 3(5)
of the BNS, 2023, registered at Police Station Phillaur, District Jalandhar.

2. The gravamen of the allegations against the petitioner is that
complainant, namely, Harjot Singh, son of Balwinder Singh, stated that he is a
resident of Janta Nagar, Bhagwan Chowk, near Military Camp, Ludhiana, and
is working as an Accountant. He further stated that his sister is married and that
he intended to go abroad, specifically to Canada. In this regard, he came into
contact with Jagjit Singh alias Jassi, son of Bagga Singh, resident of Mehatpur,

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District Jalandhar, and his brother Gobind Singh (*petitioner herein*). Both accused represented that they were engaged in sending persons abroad and induced the complainant with the assurance that they would facilitate his migration to Canada. They demanded a sum of ₹23,00,000/- for the said purpose. Believing their representations, the complainant paid the demanded amount to the accused. However, despite receiving the money, the accused neither sent the complainant abroad nor refunded the amount and continued to delay the matter on one pretext or another.

On 21.10.2024, the complainant, along with his friend Karan, went to Police Station Nakodar to lodge a complaint against the accused. After submitting the complaint, while returning in their Baleno car bearing registration No.PB09-1P-8363, the accused Jagjit Singh and Gobind Singh (*petitioner herein*), accompanied by two unknown persons, followed them in a Fortuner car. At about 5:00 PM, near the main highway under the bridge at Phillaur, the accused wrongfully restrained them by parking their Fortuner in front of the complainant's vehicle. Upon alighting from the vehicle, the accused immediately snatched the car keys of the complainant.

Thereafter, Gobind Singh (*petitioner herein*), who was armed with a sword, attacked the complainant with the intention to kill him. The blow struck the right side of his chest. Jagjit Singh also inflicted a second sword blow, which hit the complainant on his left bicep. A third blow was inflicted by one of the unknown accused with a *khanda*, which struck the complainant below the knee. Subsequently, the petitioner again inflicted a *kirpan* blow on the complainant, which hit his right wrist, while Jagjit Singh attacked the complainant's friend Karan with a *kirpan*, causing an injury near the left ear on the neck. Thereafter, the petitioner gave another sword blow, which struck Karan on the right side of his chest. Both the complainant and his friend started

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bleeding profusely. Despite this, the accused persons continued the assault by throwing bricks and stones, causing damage to the vehicle and breaking its window panes. The accused also snatched a handbag containing ₹75,000/- in cash and a mobile phone iPhone 15 Pro Max, and deliberately smashed another Samsung mobile phone by throwing it on the ground.

A passerby informed the police by calling 112, following which the injured were taken to Civil Hospital, Phillaur, and later referred to DMC, Ludhiana, where they remained under medical treatment. The complainant alleged that Jagjit Singh, Gobind Singh (*petitioner herein*), and their two unknown accomplices, acting in furtherance of their common intention, inflicted the injuries with a clear intention to commit murder.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 16.01.2025. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that one of the injured, namely, Harjot Singh is a habitual offender and a complaint was made by the brother of the present petitioner against said Harjot Singh in respect of a cyber fraud and it is on this account that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the petitioner has suffered incarceration for about 01 years. Learned counsel has argued that prosecution witnesses; especially, injured-Harjot Singh and injured-Karan are not repeatedly turning up to have their testimony recorded, which factum is clearly discernible from the *zimni* orders dated 01.08.2025, 04.09.2025, 15.10.2025, 28.11.2025 and 02.01.2026 passed by the trial Court. Learned counsel has, thus, argued that the trial is procrastinated one and folly thereof is not attributable to the petitioner. Thus, regular bail is prayed for.

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4. Learned State counsel seeks to place on record the custody certificate dated 12.01.2026 and status report by way of an affidavit dated 16.12.2025, in the Court today, which are taken on record. Raising submissions in tandem with the said status report, learned State counsel as also learned counsel for the complainant have opposed the present petition by arguing that there are direct/ serious allegations against the petitioner. Learned counsel for the complainant has iterated that injured witnesses are yet to be examined and, in case, the petitioner is released on regular bail, there are all the chances that he may influence/ intimidate the said witnesses. Thus, the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 16.01.2025 and is in continuous custody since then. Upon culmination of investigation, the challan has been presented on 15.04.2025. Total 33 prosecution witnesses have been cited, out of which, none has been examined till date. A perusal of the *zimni* orders dated 01.08.2025, 04.09.2025, 15.10.2025, 28.11.2025 and 02.01.2026 passed by the trial Court does seem to reflect that the petitioner cannot be saddled with the said delay in recording testimony of prosecution witnesses.

6.1. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494***, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

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19. *If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.*

20. *We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.*

21. *We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”*

The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.2. As per custody certificate dated 12.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 11 months and 21 days. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh*

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Singh v. State of Haryana, decided on 29.11.2021, and *Balraj v. State of Haryana*, 1998 (3) RCR (Criminal) 191.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

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

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11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 13, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No