



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

219

CRM-M-38453-2025 (O & M)

Date of decision : 12.02.2026

Date of uploading : 12.02.2026

AMMI @ MEEN

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Khushbir Kaur, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

Mr. S.S. Randhawa, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. 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 FIR No.04 dated 04.01.2025 under Sections 103(1)/3(5) of BNS and Section 238 was added later on, registered at Police Station Goindwal Sahib, District Tarn Taran.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"Statement of Masoom Ali, son of Nawab Din, son of Chirag Din, resident of Bhinder Kala, police station Khalchia, district Amritsar, age 37 years, mobile number 98784-59225, stated that I am a resident of the above address and work as a laborer. We are 06 brothers and 03 sisters and all of us are simple people and along with our family we live in different places by making camps and earn our living by keeping buffaloes and selling buffalo milk. Our eldest brother Sadiq, who was about 42 years old, along with his family, lives in a camp near village Miani, police station Goindwal Sahib and along with them other people also live there. All of them earn their living by selling buffalo milk. On the middle of the night of 03.01.2025, Sadiq and his wife started arguing and quarreling over something. As the quarrel escalated, Sadiq's wife Meena called her brother other Ammi and Shahdeen both sons of Kalu r/o Miyani and told them that my husband is quarreling with me and beating me. You reach the place. After a while, Ammi and Shahdeen came to the place. As soon as they arrived, they started beating him. My brother's daughter Neefa called me and told me that my father is being beaten up by my maternal uncles. At that time, I had come to



Goindwal Sahib for some personal work and after a while I reached the place and saw that Ammi s/o Kalu was holding a brick in his right hand. He was throwing my brother Sadiq on the ground and hitting him with the brick on his cheek. Shahdeen, who had a scar in his hand, was holding my brother's leg. He was beating him and Sadiq's wife was also holding him by the legs and seeing me coming, all the accused along with their weapons along with 4/5 other unknown persons all ran away from the spot. When I went to my brother, and saw that he has died. The night was very dark and cold and foggy, so I did not come to the police station to inform you."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 07.01.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the case would not invoke culpability under Section 103 of BNS (erstwhile Section 302 IPC) but only under Section 105 of the BNS (erstwhile Section 304 of IPC). Learned counsel has further iterated that the petitioner has suffered incarceration for more than one year. Learned counsel has further submitted that the prime prosecution witnesses are not coming forward to have their testimonies recorded despiteailable warrants having been issued against them, which is clear from the perusal of orders dated 19.09.2025, 26.09.2025, and 16.10.2025 passed by the trial Court. Learned counsel for the petitioner has further submitted that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply/status report dated 15.09.2025, which is taken on record. Raising submissions in tandem with the said reply, learned State counsel has opposed the present petition by arguing that the allegations raised are direct and serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 11.02.2026 in Court, which is taken on record.



4.1 Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that the allegations levelled against the petitioner are direct and serious in nature. Learned counsel has further submitted that the case in hand pertains to a capital offence and, therefore, the concession of regular bail ought not to be extended to the petitioner. Learned counsel has also submitted that the petitioner side is trying to exert pressure upon the complainant side for settlement.

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

6. The petitioner was arrested on 07.01.2025 wherein after investigation was carried out and challan stands presented on 05.04.2025 Total 21 prosecution witnesses have been cited but none has been examined till date. A co-accused, namely Shahdeen, had applied for regular bail before this Court, and the same was dismissed as withdrawn on 19.11.2025. However, keeping in view the various zimni orders passed by the trial Court after the withdrawal of the bail petition of the co-accused, the trial is procrastinating and the folly thereof is not attributable to the petitioner. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

"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.”

6.1 The rival contentions raised by learned counsel give rise to debatable issues, which shall be ratiocinated upon during the course of trial. Though learned counsel for the complainant has pleaded that the petitioners' side is exerting pressure, but no material, much less tangible evidence, has been brought forth in this regard. 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 11.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 01 month and 01 day and is not shown to be involved in any other case.

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 cell-phone 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. However, the complainant side, in case any threat is perceived, shall be at liberty to apply for a security before the concerned SSP. In case, any such plea is raised, the concerned SSP shall deal with the said plea in a ratiocinated manner within a period of one week from the receipt of such plea.

10. Ordered accordingly.

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

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

(SUMEET GOEL)
JUDGE

12.02.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No