

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:034541



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CRM-M-41801-2025 (O&M)
Date of decision:06.03.2026

Nitin Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Veneet Sharma, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Neeraj Yadav, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.73, dated 29.04.2025, registered under Sections 137, 109, 115(2), 118(1), 191(3) and 190 of the BNS, at Police Station Maqboolpura, Amritsar City, District Amritsar.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Monika, alleging therein that her husband was working as a Dying Master in a company at Amritsar. On 28.04.2025, he made a call to her intimating that he would be reaching home within 10 minutes. However, he did not come back. She had made

calls to him several times but he did not respond. Then at around 01:30 A.M., she received a telephonic message regarding admission of her husband in Guru Nanak Dev Super Speciality Hospital, Tarn Taran. On reaching there, she found him admitted in a critical condition. He disclosed to her that he had been abducted by 05 unknown persons while he was coming back on his car. They had caused injuries to him and had thrown him in the area of Tarn Taran while considering him to be dead.

3. After registration of the FIR, investigation proceedings were initiated. The complainant recorded her supplementary statement on 21.05.2025 informing that her husband had also disclosed to her that the assailants had taken his car somewhere, had looted his belongings and then had caused injuries to him after taking him somewhere. She disclosed that she along with one Arvinder singh @ Vicky posted as Manager in the factory where her husband was working, had checked the CCTV footage of the cameras installed in the factory and had seen the persons, who had abducted her husband. She disclosed their names that included the name of the present petitioner. Statement of Arvinder Singh @ Vicky was also recorded to the similar effect. The petitioner and others were nominated as accused. The petitioner was arrested on 03.05.2025. He got recovered the *skoda* car belonging to the complainant. The co-accused were also arrested. Investigation now stands completed. The petitioner along with the co-accused is facing trial for the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he was falsely implicated in this case. He was not named in the FIR. He is in

custody since long. The injuries sustained by the victim have not been opined to be dangerous to life. No prosecution witness has been examined so far. The trial will take considerable time to conclude. His further detention would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

5. Per contra, learned State counsel assisted by learned counsel for the complainant has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of regular bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have abducted the husband of the complainant, have caused simple as well as grievous injuries to him and also to have looted him of his belongings. The allegations make out a *prima facie* case for commission of the aforementioned offences against him. However, he has been in custody since 03.05.2025. He is not required for further investigation. No prosecution witness has been examined so far despite the fact that he has been in custody for a period of more than 10 months. Trial will obviously take considerable time to conclude. The continued incarceration of the petitioner is not going to serve any fruitful purpose. It is well settled proposition of law that bail is the rule and jail is an exception and the pre-trial incarceration should not be a replica of post conviction sentencing.

8. Taking into consideration the above discussed facts, this Court is of the considered opinion that a case for grant of bail to the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the extent of two sureties in the like amount each, to the satisfaction of the learned trial Court, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

9. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

06.03.2026

harjeet

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No

(MANISHA BATRA)
JUDGE