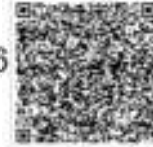


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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-43344-2025****Date of Decision: 16.02.2026**

Ataljot Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**Present:** Mr. Davneet Sangwan, Advocate for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, co-accused in case bearing FIR No.148 dated 06.03.2025 registered against him, for commission of offences punishable u/s 191(3)/190/115(2)/109/351(2)(3)/126(2)/238 of BNS, at Police Station City Yamuna Nagar, Distt. Yamuna Nagar, has prayed for grant of bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

“Saurav Gupta S/o Sitaram, R/o House No.208, Hari Nagar, Near Kamani Chowk, Yamuna Nagar set the criminal law in motion by filing a complaint alleging therein that at about 09:50 p.m. on 05.03.2025, petitioner being one of the members of the unlawful assembly had unleashed an attack on him(c) and his associates. The role attributed to the present petitioner is that being armed with a brick, he attacked one Zia Abbas, who was also assaulted by other members of the unlawful assembly. In the incident, Zia Abbas suffered serious head injuries. One of such injuries was declared to be ‘Dangerous to life’. Petitioner was arrested on 12.03.2025 and has been in custody since then.

During interrogation at the instance of the petitioner half brick was recovered, which was taken into possession. On his complaint, the above mentioned case FIR was registered.

On culmination of investigation, challan was prepared and filed in the Court.

3. Application for grant of bail moved by the petitioner-accused was dismissed by Ld. ASJ, Yamuna Nagar vide order dated 10.07.2025. Aggrieved of the same, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. No specific role has been attributed to him. Further after culmination of investigation challan was filed. Petitioner and others were charge-sheeted, thereafter even the statement of the complainant, who had also suffered injuries in the incident, was recorded. That apart, statement of another witness Ishwar Dayal Gupta @ Mithu has also been recorded. Insofar as the injured Zia Abbas is concerned, learned counsel contends that deliberately he is not appearing before the Court and wants to delay the proceedings. In view of submission advanced hereinabove, it has been prayed that petitioner, who has been in custody since 12.03.2025, deserves a lenient view to be taken in his favour, for his further incarceration would not serve any useful purpose and would also be violative of Fundamental rights guaranteed under Article 21 of the Constitution of India. Prayer for allowing the petition has been made.

5. *Per contra*, while opposing the request for grant of bail, learned State counsel contends that in the incident petitioner and his other accomplice unleashed an attack, seriously injuring Zia Abbas and complainant. Even till date the medical condition of the aforesaid Zia Abbas is precarious and delicate, on account of which he is unable to appear in the Court. Learned State

counsel further contends that even the past antecedents of the petitioner are not clean as he is also involved in one another criminal case. Thus, in view of the seriousness and the gravity of the incident, if extended the concession of bail, there is every likelihood of petitioner fleeing from the process of the justice by not appearing in the Court, committing yet another offence and overawing injured Zia Abbas, who has not been examined till date. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and have gone through the documents on record.

7. In view of the submissions made by learned counsel for the petitioner but without advertting further on the merits of the case, lest it may prejudice the trial, taking note of the fact that complainant and one another eyewitness stands examined, the Court is the opinion that in view of lengthy list of prosecution witnesses, most of whom remain examined, the prospect of trial being concluded in the near future is quite remote and further detention of the petitioner would not only be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial but would also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

In ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012(1) RCR (Criminal) 586,*** Hon'ble Supreme Court upheld the order of the High Court in granting bail to the second respondent/accused on the ground that he had been in custody for a long period and the possibility of the trial being concluded in the near future was remote.

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/ two surety bonds to the satisfaction of learned trial Court/Duty

Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.*
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iii) The petitioner shall not leave the country without prior permission of the trial Court.*
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vi) The petitioner shall not in any manner misuse his liberty.*
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (viii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

Learned trial Court is, however, requested to make sincere efforts to examine PW (Zia Abbas) on the next date of hearing.

16.02.2026

Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No