



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-44349-2025 (O&M)

Date of decision: 09.01.2026

Prem Parkash and another

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. G.S. Ghuman, Advocate and
Mr. Atul Kumar, Advocate for the petitioner(s).

Ms. Savi Nagpal, AAG Punjab.

Mr. Naveen Sharma, Advocate for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No. 319 dated 08.07.2023, under Sections 279, 337, 338 of IPC (Sections 279, 337 and 338 of IPC deleted and Sections 307, 506 and 34 of IPC added later on), registered at Police Station Division No.7, Police Commissionerate, Ludhiana.

2. Briefly summarized, the facts of the present case registered on the statement of Gaurav Malhotra are that:-

“xxxxxx that I live with my family at the above mentioned address. I have a Dairy shop in my name at Tajpur Road, District Ludhiana and I also have a dhaba namely UK. I have 3 children, one girl and 2 boys. My son Raghav Malhotra whose younger than my daughter, is 14 years old and studies in 8th



class. After school, he comes with me to the dairy on Tajpur Road in the afternoon. On 30.06.2023, my son Raghav Malhotra came to the shop with me and my health deteriorated and I went home. My son Raghav Malhotra was at the shop and at 11:15 PM, I received a call from Amarinder Singh alias Sunny who told me that your son Raghav Malhotra, who had closed the shop and was standing on the Tajpur Road side to cross the road, when a motorcycle PB 10 JC 1947, red in color, on which two persons. were riding came from the Fish Market side and they drove their motorcycle at a high speed without giving a horn and hit your son Raghav Malhotra, due to which Raghav Malhotra has suffered injuries on his head and body and is lying unconscious on the road. When I reached at the spot, I saw that my son Raghav Malhotra was lying unconscious on the road and he had injuries on his head and body. On the side of the road, a motorcycle number PB 10 JC 1947, red in color, was lying down, whose driver was not present. I came to know from the crowd that the motorcycle driver whose name is Vishwajit Singh, son of Anil Singh, resident of House No.12742/2, Mohalla Geeta Nagar, Tibba Road, District Ludhiana, who has a shop at Fish Market, Tajpur Road, Ludhiana, and who had argued and verbally abused my son Raghav Malhotra at my shop some 20 days ago. I took my son Raghav Malhotra to C.M.C Hospital, Ludhiana



for treatment, where my son is lying unconscious and has not regained consciousness. This accident involved motorcycle number PB 10 JC 1947 color Red and the abovesaid driver Viswajit Singh has hit my son with his motorcycle out of enmity. Appropriate legal action should be taken against him.”

3. Learned counsel for the petitioners contends that the incident in question had taken place on 30.06.2023 pursuant where to the aforesaid FIR was registered on 08.07.2023 for offence under Sections 279, 337 and 338 of the Indian Penal Code, 1860 after inquiring into the allegations. He contends that the petitioners were admitted to bail in the said FIR. However, after a lapse of nearly 01 year and 08 months, an application dated 14.04.2025 was submitted by complainant-Gaurav Malhotra for alteration of the charges, whereupon G.D. No.33 dated 09.06.2025 was recorded and the offences under Sections 279, 337 and 338 of the Indian Penal Code, 1860 were deleted while offences under Sections 307, 506 and 34 of the Indian Penal Code, 1860 were added. He contends that the said changes in offences has been carried out after a period of nearly 02 years of the incident in question. He contends that the petitioners were taken into custody on 11.06.2025 and they have undergone an actual custody of more than 06 months. The petitioners are said to be not involved in any other case. The investigation in the present case already stands concluded and after filing of final report, charges have been framed and the case is now fixed for prosecution evidence. He contends that out of the total 23 prosecution witnesses none have been examined so far and the trial is likely to take a



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long time in its conclusion.

4. Learned counsel for respondent-State does not dispute the aforesaid factual aspects.

5. Learned counsel appearing on behalf of the complainant, however, vehemently opposes the prayer and contends that an incident involving a fight inter se between the victim and the accused had taken place nearly 25 days prior to the accident in question. The said facts were apprised to the police authorities, however, no action was taken thereupon for a considerable time and it was only after a lapse of nearly two years that the error initially committed by the police was rectified by way of alteration of the offences. He contends that he is in possession of record of those application which were submitted at the earlier point of time. However, the rest of the contentions are not disputed.

6. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition with their able assistance.

7. It is noticed that G.D. No.33 dated 09.06.2025 was registered on the application dated 14.04.2025, which was submitted after a lapse of nearly 01 years 08 months from the date of the incident and taking into consideration the period of actual custody undergone by the petitioners, the clean criminal antecedents of the petitioners and that the evidence is yet to start and 23 prosecution witnesses are to be examined, I am of the opinion that the case has merit as arguable issues would arise for consideration in the present case. Since the investigation stands concluded, further custodial



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detention of the petitioners is not likely to advance the interest of justice and bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

8. Accordingly, the instant petition is allowed and the petitioners are ordered to be admitted to regular bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

9. It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

09.01.2026
Mangal Singh

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