

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:022847



CRM-M-47937-2025 (O&M)

Vicky

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	11.02.2026
2.	The date when the judgment is pronounced	13.02.2026
3.	The date when the judgment is uploaded on the website	13.02.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.K. Chaudhary, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. Instant one is the second petition as filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.114, dated 23.10.2023, registered under Sections 302, 506, 148, 149 IPC, at Police Station Bilga, District Jalandhar Rural.
2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Mohinder Kaur on 23.10.2023,

alleging therein that on the evening of 19.10.2023, she was present in her house when accused Sajan @ Ghai and Gurpreet Singh @ Gopi came there and extended threats to her to control her son Jagdeep Singh @ Jaggi and otherwise threatened to see him. They left her house thereafter. On the night of 22.10.2023, on receipt of an information that her son Jagdeep Singh @ Jaggi was assaulted by some youths, she rushed to the spot and found accused Chandan Kumar @ Chandi, Gurpreet Singh @ Gopi, Sajan @ Ghai, Jaskaran Singh @ Bobby and Sahil @ Shelly while assaulting her son with their respective weapons, which they were carrying in their hands and extending beatings to him. Within her sight, accused Chandan Kumar @ Chandi struck a blow with a wooden baseball bat on the head of her son, due to which he had fallen on the ground and then the other assailants assaulted him. She along with Jagjit Singh and Harjinder Singh, friends of her son rushed for his rescue. He was taken to the hospital but was declared to be brought dead.

3. After registration of the FIR, investigation proceedings were initiated. Accused Sahil @ Shelly was arrested on 23.10.2023. On interrogation, he suffered disclosure statement admitting his involvement in the crime and also disclosed the names of other accused. Accused Sajan @ Ghai was arrested on 24.10.2023 and suffered disclosure statement, on the basis of which the present petitioner was nominated as an accused as he disclosed that the petitioner was also present there along with a wooden stick. The petitioner was also arrested on 24.10.2023. He too suffered a disclosure statement and got recovered the wooden stick used by him in commission of the subject crime. Subsequently, other accused

were also arrested. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused, which cannot be considered to be admissible in evidence. He was neither named in the FIR nor he was named by the complainant or any eye witness at any stage of the investigation. A false recovery has been planted upon him. No specific overt act or injury has been attributed to him. He is in custody since long. His further incarceration would not serve any useful purpose. Co-accused Sahil @ Shelly has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. His previous petition was dismissed as withdrawn on 14.05.2024. A period of more than 1½ year has passed thereafter. There are no chances of conclusion of trial in near future since only 01 out of 24 prosecution witnesses has been examined so far. It is, therefore argued that he deserves to be extended the benefit of bail.

5. Status report and custody certificate have been filed. Learned State counsel has argued that taking into consideration the gravity of the allegations as levelled against him, the petitioner does not deserve to be extended the benefit of bail.

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

7. The petitioner was not named in the FIR. Nor at any subsequent stage, he was named by the complainant or eye witness. His involvement in this case is on the basis of disclosure statement of co-accused Sajan @ Ghai. The only allegation against him is that he had extended beatings to

the victim with a wooden stick without specifying as to what particular injury had been caused by him on the person of the victim. It is a case of group violence. It is well settled proposition of law that individual roles must be specifically established and mere presence at the scene of crime cannot impute the same level of culpability to all accused. The absence of such specific evidence against the petitioner militates against the denial of bail. There are obviously no chances of conclusion of trial in near future as only 01 out of 24 prosecution witnesses stands examined so far. The petitioner is in custody for a period of 02 years, 02 months and 23 days. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the

trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

8. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-

(i) The petitioner will not tamper with evidence during trial.

(ii) he will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.

(iii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iv) any infraction shall entail in withdrawal of the benefit granted by this court.

9. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

10. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

13.02.2026

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No