

2026:PHHC:017947



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218+107

CRM-5144-2026 in/and
CRM-M No.48094 of 2025
Date of Decision: 05.02.2026

Abhishek ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bhupinder Singh, Legal Aid Counsel,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Mayur Singla, Advocate,
for the applicant-complainant.

MANISHA BATRA, J. (Oral)
CRM-5144-2026

The application is allowed as prayed for and Annexure R-1
is taken on record.

Main Case

1. The present petition has been filed by the petitioner under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short
“BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
18	28.01.2024	Civil Lines Patiala, District Patiala	302 and 34 of IPC and 25 of Arms Act, 1959 (392 and 427 of IPC added later on)

2. Brief facts relevant for the purpose of disposal of this

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petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Shivinder Kataria alleging that on the intervening night of 27/28.01.2024, his brother Sameer Kataria had gone towards the vicinity of Gurudwara Dukhniwarn Sahib Patiala along with his friend Krishna Rattan to buy something when three youths had intercepted them. One of them had struck blow with knife whereas another had fired a shot at the victim Sameer Kataria and then they had fled away. On receipt of information about the incident from Krishna Rattan, the complainant had rushed to the spot and the victim had been taken to the hospital but had been declared to be brought dead.

3. After registration of FIR, investigation proceedings were initiated. On 30.01.2024, one Sukhdev Singh @ Bhau recorded his statement before the police that he had heard the petitioner and co-accused Vicky Paswan, Sukhdeep Singh @ Ugha and Juvenile in conflict with law "D" while conversating with each other and discussing that they had killed the victim. The petitioner and co-accused were nominated as such. The petitioner was arrested on 17.02.2024. On interrogation, he suffered disclosure statement admitting his involvement in the crime and got recovered a dagger which was used by him at the time of committing offence of murder. He was identified by eye-witness Krishna Rattan as one of the assailants. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offence.

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4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. The witness Krishna Rattan has been examined. There are no chances of his intimidating the said witness. A false recovery has been planted upon him. He is in custody for a period of about two years. There are no chances of conclusion of trial in near future as only 05 out of 25 witnesses have been examined so far. His continued detention would not serve any useful purpose. It is, therefore, argued that the petition deserves to be allowed.

5. Status report and custody certificate have been filed. Learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner. He was identified by PW Krishna Rattan during the course of investigation and even in his sworn deposition. The trial is going on at a proper pace. There is nothing on record to show that there would be any undue delay in conclusion of the trial. It is, therefore, stressed that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner in furtherance of his common intention with the co-accused, is alleged to have intercepted the victim on the fateful night, opened an attack upon him by causing injuries with sharp edged weapon with intent to rob him of his vehicle and is alleged to have caused his death. Eye-witness Krishna Rattan has duly identified the petitioner as one of the assailants in his sworn deposition as recorded before the learned trial Court.

The allegations against the petitioner are quite serious in nature.

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Undisputedly, substantive number of witnesses are yet to be examined before the Appellate Court, however, only on this ground alone, the petitioner cannot be extended benefit of bail. So far as the extended/prolonged period of incarceration is concerned, the well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. Taking into consideration the nature of the allegations levelled against the petitioner, the part played by him, this Court is of the considered opinion that merely on account of his extended custody, the petitioner does not deserve to be given benefit of regular bail. Accordingly, the petition is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

05.02.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No