



CRM-M-48246-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

219

CRM-M-48246-2025

Date of decision: 13.01.2026

Abhi @ Abhi Kalyan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. G.S. Randhawa, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J (ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, who is one of the co-accused in case bearing FIR No.022 dated 27.02.2025 registered under Sections 109,126(2),132,221,303(3),190,191(3) of BNS, 2023 (Sections 115(2),118(1),118(2),117(3),119 of BNS, 2023 added later on) and Section 27 of Arms Act, 1959, at P.S City Batala, Police District Batala, has prayed for grant of bail.

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

Kamla Bhatti @ Baggi son of Daler Bhatti set criminal law in motion by filing complaint pointing therein that at about 08.30 PM on 26.02.2025, he was standing in the street, when his friend Rajinder Singh @ Raja and Satinder Pal Singh @ Lucky arrived on their Aactiva. Meanwhile, Rajan Bhatti son of Sukhdev Bhatti armed with Datar, Shubh armed with Sword, Martin armed with Datar, Danish Bhatti armed with Datar, Abhi (petitioner) armed with Datar accompanied by 4-5 other unknown persons came from the opposite direction. They stopped the Aactiva of Rajinder Singh. Pardeep Kumar exhorted Rajan Bhatti and others to teach Rajinder Singh etc a lesson for helping their opponents, upon which Rajan Bhatti, Shubh and Lakhu, with an intention to kill unleashed an attack on Rajinder Singh @ Rajan Walia. When Rajan Walia's brother Lucky came forward to save him, Danish and Abhi (P) also assaulted him with their weapons causing multiple injuries on his (Lucky) person. Both Rajan Walia and Lucky fell down but the assailants did not stop and continued hitting them. During this scuffle, Shubh took Rajan Walia's licenced pistol from his pocket and brandished the same at him with intention to kill him. Luckily, police officials arrived at the spot and when they moved forward to save Rajan Walia, Shubh fired two bullets, which hit one of the



pistol. Complainant also pointed out that the reason for the incident is that his wife Geeta, who on a particular day was returning home from Amritsar, had been intentionally hit by Shubh, who was on Scooty, as a result of which, she fell down and there was exchange of hot words. Both Rajan Walia and his brother Lucky had come to meet him (complainant) to sort out the aforesaid issue. Towards the end, complainant pointed out that the assailants in furtherance of their common intention unleashed an attack and mercilessly assaulted both Rajan Walia and Lucky. Immediately after the incident, both the injured brothers were rushed to EMC Hospital, Batala where first aid was provided. Due to their delicate medical condition, they were referred to Amritsar where they are undergoing treatment. On the basis of the said complaint and medicolegal report, aforesaid FIR was registered.

Petitioner-accused, who was arrested on 21.04.2025 moved an application for grant of bail under Section 483 of BNS before learned Addl. Sessions Judge, Gurdaspur. Same was dismissed vide order dated 23.07.2025, aggrieved of which, present petition has been filed.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He did not participate in the incident, has no concern with the same, was not even apprehended at the spot. Continuing further, learned counsel submits that though the petitioner was named in the FIR but no specific role was assigned to him therein. It was only as an after-thought that the injured in his supplementary statement alleged that the petitioner, who was armed with datar gave blows to him, with an intention to kill him.

Learned counsel further contends that the relations between the petitioner and complainant party are far from cordial. False implication of the petitioner is apparent from the fact that on one occasion, complainant party had set the house of the petitioner on fire and in this context, a criminal case vide FIR No.36 dated 22.03.2025 was registered against the complainant and injured under Sections 326(g),61(2),303(2),317(2) of BNS and Section 3(1) of Explosive Substance Act.

The next leg of submission raised by learned counsel for the petitioner is that assuming for the sake of arguments, the story as portrayed by the complainant side is taken to be true at its face value (though not admitted), only two injuries have been attributed to the present petitioner; one of which inflicted on the person of injured-Rajinder Singh, has been declared to be "Grievous" in



nature, whereas the other injury given to injured-Satinder Singh @ Lucky has been declared as “Simple” in nature.

It is further the submission of learned counsel that though the challan has been filed but till date, none of the prosecution witnesses have been examined thus the possibility of completion of trial in the near future is quite remote. When appreciated in the light of submissions advanced hereinabove, learned counsel prays that further detention of the petitioner would not serve any useful purpose, as the same would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, 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. Therefore, it has been prayed to grant the concession of bail.

4. *Per contra*, while opposing the request for grant of bail, learned State counsel accompanied by counsel for the complainant submits that the petitioner was specifically named in the FIR wherein it was pointed out that at the relevant time, he (petitioner) was armed with a “datar”. Learned State counsel submits that the FIR is not an encyclopedia of the entire facts. The exact role played by the petitioner was highlighted by the injured Rajinder Singh himself, as per whom the petitioner was armed with datar and had inflicted blows on him and his brother Satinder Singh @ Lucky.

Learned counsel for the complainant also contends that one of the injured, namely, Rajinder Singh was mercilessly beaten to the extent that he had to remain on ventilator and was reduced to a vegetative state, who has not even fully recovered as yet.

Both the learned counsel next submit that if the concession of bail is extended to the petitioner, there is every likelihood of petitioner fleeing from process of justice by not appearing in the Court and overawing complainant/related witnesses, who have till date not been examined. In the factual scenario of the case in hand, seriousness and magnanimity of the injuries suffered by both the injured, role played by the petitioner, it has been prayed that no case for grant of bail is made out. Dismissal of the petition has been prayed for.

5. Factual aspects of the case leading to the lodging of the FIR have already been noted in para 2 of the order. In brief, the petitioner and other accused, who have been named in the FIR, arrived in the street outside the house



stopped Aactiva of injured-Rajinder Singh. At the relevant time, petitioner was armed with datar (which fact stands mentioned in the FIR). On a lalkara given by Pardeep Kumar, petitioner and other accused unleashed an attack in which both Rajinder @ Rajan Walia and his brother Satinder Pal Singh @ Lucky were mercilessly assaulted. It stands mentioned in the complaint that while the scuffle was going on, one of the accused, namely, Shubh suddenly took out a licenced revolver from the pocket of Rajan Walia, brandished the same at him and when the police officials arrived at the spot and tried to intervene, aforesaid Shubh fired two bullets which hit one of the police officials. Afraid of the consequences, the assailants fled away.

From the status report, it can be inferred that out of 18 injuries suffered by one of the injured-Rajinder Singh, 16 have been declared as Grievous in nature apart from one, which was declared as Dangerous to life. The role of the present petitioner was highlighted by the injured when he was in a fit condition to make a statement wherein he pointed out that Abhi, who was armed with Datar, gave blows to him on the left side of his head. That apart, petitioner also inflicted injury on the person of Satinder Singh @ Lucky (brother of Rajinder Singh), who suffered as many as 15-16 injuries. Simply because, complainant could not highlight the exact role played by the petitioner in the FIR, cannot be a ground in itself to doubt the entire case of the prosecution. Furthermore, the plea taken by learned counsel for the petitioner that the petitioner has been falsely implicated on account of political rivalry is a question of fact, which would be adjudicated only during the course of trial when the evidence is led.

Allegations against the petitioner are serious in nature. Merely because petitioner has undergone certain period of incarceration, in the factual scenario of the case in hand, as discussed above, cannot be a ground to take lenient view in his favour. As has been noticed above, complainant/related witnesses have not been examined. The apprehension of the prosecution that, if released on bail, the petitioner may hamper the trial, cannot be ignored.

7. In view of aforesaid discussion, agreeing with the submissions of learned counsel for the complainant, no case for grant of bail is made out at this stage.

8. Dismissed.

13.01.2026

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(AARADHNA SAWHNEY)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No