



CRM-M-48459-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107+230

CRM-M-48459-2025 (O&M)
Decided on : 27.01.2026

Ashwani alias Jacky

. . . Petitioner(s)

Versus

State U.T. Chandigarh

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Vivek Kathuria, Advocate for
Mr. Ashish Bakshi, Advocate
for the petitioner(s).

Mr. Vaibhav Mittal, Addl. P.P. for U.T. Chandigarh

SANJAY VASHISTH, J. (Oral)

CRM-2635-2026

This is an application for placing on record statement of Dr. Rana Sharma (examined as PW-7 during trial) as Annexure P-3.

For the reasons mentioned in the application, the same is allowed and Annexure P-3 is taken on record, subject to all just exceptions.

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1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Ashwani @ Jacky, aged 26 years	63	27.03.2025	115(2), 126(2), 118(1), 351(2), 251(3), 3(5) and 109 of BNS	Sector 31	Chandigarh



2. As per injured/complainant–Dilip, accused-Deepak @ Jugni caused injury on right hand with knife like object and petitioner-Ashwani @ Jacky gave iron rod blow on head of the injured-Dilip.

3. Learned counsel for the petitioner argues that incident had taken place on 20.10.1994 but the FIR in the instant case was registered on 27.03.2025. Injury attributed to the petitioner-Ashwani @ Jacky is though with iron rod on head, however, injury attributed to the petitioner or his co-accused was never opined to be dangerous to life by the doctor. Citing the Medico Legal Case Summary, injury recorded therein, counsel submits that even NCCT does not show any fracture on the head of injured Dilip, however, he does not deny as per Radiologist report it is recorded as *“There is complete displaced fracture of right olecranon process with surrounding soft tissue showing edema and air foci.”* However, no bony fracture was noticed as it is recorded as *“No e/o bony fracture.”* Thus, counsel submits that infact it is a debatable question before the Court below during trial, as to whether the provision of Section 109 of BNS would be attracted or not, in the present case. Thus, prays for grant of regular bail.

4. On the other hand, learned Additional P.P. for U.T. Chandigarh has filed status report dated 13.11.2026 alongwith custody certificate dated 26.01.2026 in the Court today and the same are taken on record. As per custody certificate, the petitioner has suffered incarceration inside for a period of about 10 months.

5. In the status report, nowhere it has been clearly explained as to on what basis offence under Section 109 of BNS had been added, because status report is not containing any such medical opinion given by the doctor. Thus, obviously it will be before the trial Court to adjudicate on the basis of the evidence



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before it, as to whether the offence punishable under Section 109 BNS is made out or not in the present case. As per custody certificate, the petitioner had already suffered incarceration inside jail for a period of about 10 months (09 months and 29 days).

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

January 27, 2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No