

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

2026:PHHC:006319



127

CRM-M-54772-2025

Date of decision: 19.01.2026

Date of uploading: 19.01.2026

Sahil Singh @ Shaila

...Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vipin Kumar Sharma, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No. 11, dated 03.02.2023, registered under Sections 304, 379-B and Section 34 of IPC, (Section 120-B of IPC added later on), Police Station Gharinda, District Amritsar Rural (Annexure P-1)
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Atul Kumar son of Yad Kumar resident of house no. 71, MSG Phase-2 Jawaharpuram colony, Agra UP aged around 28 years, mobile 7906458384 made a statement, I am resident of above said address, I work as team leader in Gen Peck private limited in Noida Stailer building. That one of my friend Ganga Maiya daughter of Dhan Dhan Bahadur Suba resident of Gangtok Sikkim with whom I was traveling and came

to see Wagha Border at around 5.15/5.45 PM I and my friend Ganga Maiya sat in one Auto in order to come back to Amritsar in which there were other passengers also and after 4/5 minutes travel from Wagha border from the back side two persons came on the motorcycle they had muffled faces they had snatched the bag held in the hand of my friend Ganga Maiya and during this my friend Ganga Maiya fell down from the moving auto on the face side and she suffered many injuries then with the help of the persons nearby I had taken my friend Ganga to nearby Hospital for treatment, however, Doctor has referred her to Amandeep Hospital Amritsar due to serious injury then I and my injured friend on the Ambulance of the hospital taken her to hospital where Doctor declared my friend as dead, two unidentified persons from the moving auto snatched of auto and got injured and died. Legal action may be taken, I have read my statement, it is correct. Sd/- Atul Kumar attested by Rajbir Singh ASI I/C Kahangarh Police Station Gharinda, dated 03.02.2023.”

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 14.03.2023. Learned counsel for the petitioner further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that there is no clear cogent material available with the challan, so as to connect the petitioner with the offence in question. The co-accused of the petitioner namely Jaideep Singh @ Jai has already been extended the concession of regular bail vide order dated 19.08.2025 passed in CRM-M-12556-2025 (Annexure P-3). He has further iterated that the petitioner has suffered incarceration for than 2 years 10 months. Thus, regular bail is prayed for.
4. Learned State counsel has vehemently opposed the present petition by arguing that the allegations raised are serious in nature and,

hence, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 18.01.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 14.03.2023 whereinafter investigation was carried out and challan was presented on 28.05.2023. Total 17 witnesses have been cited, out of which 2 stand examined till date. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under [Article 21](#) of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. [Article 21](#) of the Constitution applies irrespective of the nature of the crime.”

The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage lest it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

6.1. As per the custody certificate dated 18.01.2026 filed by the learned State counsel, the petitioner has suffered incarceration for more than 2 years and 10 months. As per the said custody certificate, the petitioner is stated to be involved in four other cases. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 19, 2026
Naveen

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