



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

220/3

CRM-M No.59495 of 2025 (O & M)

Date of decision : 12.2.2026

Date of uploading : 12.02.2026

Pawan Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sumit Dua, Advocate, for the petitioner

Mr. Gurmehar Singh Minhas, Advocate, for the petitioner

Mr. Rajesh Kumar, Advocate and
Mr. Sahil, Advocate, for the petitioner no.1

Mr. Baljinder Singh Sra, Addl. AG, Punjab

Mr. Ankur Bansal, Advocate, for the complainant
(through VC)

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.142 dated 2.8.2025 under Sections 115(2), 126(2), 191(3), 190, 118(1) of Bharatiya Nyaya Sanhita, 2023 (Sections 117(2) and 118(2) of BNS added later on), registered at Police Station Navi Baradari, District Jalandhar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-



'Statement of Shehnaz Mohammad, age 45 years, son of Mohammad Sharif, resident of village Kanganiwal, post office Hazara, tehsil & district Jalandhar, resident near Senior Secondary School, Ladhewali, Jalandhar, mobile number 98151 68256. Stated that I am a resident of the above address and I have been practicing as a paramedical doctor at Joginder Nagar, Kaki village, for the last 22 to 23 years and I have a medical store named M. K Medical Store. These shops were taken on rent by me 22 to 23 years ago from Amarjit Singh (deceased) son of Karnail Singh, resident of house number 354, Joginder Nagar, Kaki village, Jalandhar. Amarjit Singh, his wife Balbir Kaur, along with their three sons Kulbir Singh, Kuljit Singh and Harvinder Singh, were permanently residing at 43, COLLINDAL AVE, ERITH, KENT, UK. Amarjit Singh had a property in Jalandhar, who is now deceased, and his wife Balbir Kaur used to visit India frequently. After Amarjit Singh's death, his brother Iqbal Singh used to look after the shops, and after his death, Jaspal Singh, who seems to be Amarjit Singh's nephew, used to look after the shops and collect the rent from me. On 26.07.2025, I was going to Phagwara Gate, Jalandhar for my personal work after closing my shop like every day from 8:00 to 8:15 PM on my Aactiva number PB08-CC-1760 when I started crossing Ladowali Road, Phatak at around 8:35 PM to 8:40 PM and due to the speed breaker, I slowed down. At that moment, two persons on two motorcycles Hero Honda Shine and another black motorcycle and three persons came and stopped my Aactiva by parking their motorcycles in front of my Aactiva. This person is the same person who had come to my shop with Jaspal Singh etc. a few days ago and had threatened me to vacate the shop and left, whom I can recognize when I come across them. All these young men were armed with swords, baseball bats and maces and as soon as they arrived they told me to catch him and kill him, not to leave him alive because the owners had called from foreign country. Before I could say anything, the motorcyclist and the person sitting behind attacked me on the head with swords with the intention of killing him, which injured my head in two or three places. Then I put my left arm forward to protect myself, then the people sitting on the other motorcyclist with baseball bats and maces hit me on the legs with baseball bats and maces, which broke my left arm and fractured the fingers of my left hand and my right leg was also broken and they injured my right leg and both ankles. I was completely bleeding and shouted "mar ditta mar ditta". Hearing my



screams, my brother Shaukat and his friend Anil Kamal, a resident of the village, Kanganiwal who had come for their personal work tato Ladowali Road, Jalandhar came to me and other people also gathered there. Seeing my brother and other people gathering, the above five persons along with weapons threatened me that today you have escaped, we will not leave you in the future and we will kill you. I am fully convinced that this attack on me was carried out by Jaspal Singh son of Iqbal Singh who is resident of 336, Kaki Village, Jalandhar at Wazir Enclave, Hoshiarpur Road, Jalandhar and Balbir Kaur wife Amarjit Singh resident of 354, Joginder Nagar, Kaki Village, Jalandhar now residing of 43, COLLINDAL AVE, ERITH, KENT, UK, their son and Balbir Kaur's brother-in-law resident of Urban Estate, Model Town, Jalandhar and Jaspal Singh's brother-in-law resident of Amritsar, in collusion with each other with the intention of killing me. That the persons who attacked me are the same persons who earlier along with Jaspal Singh, Balbir Kaur and Balbir Kaur's brother-in-law and 2 to 3 other relatives and Jaspal Singh's brother-in-law came to my shop and threatened to vacate the shop saying that if you do not vacate the shop then you will have to face bad consequences. The reason for this deadly attack is that the said persons hired people to vacate the shops with the intention of killing me. I do not know the names of the people who attacked me but I can recognize them when they come forward. Then my brother Shaukat Ali and his friend Anil Kamal took me to Sagar Hospital, Jalandhar where they gave me first aid. Since the injuries were severe and serious, my family admitted me to Johal Hospital, Rama Mandi, Jalandhar where I am undergoing treatment. Due to which my condition was very serious and I could not even speak. But after a few days I have recovered today and now I am giving this statement in the presence of my brother Shaukat Ali. Strict action should be taken against the culprits and justice should be done to me. I have read the statement and heard it well. Narrator Sd/- Shahnaz Muhammad, Shaukat Ali, 98159-90719.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 5.8.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the case set up in the FIR in question



has its genesis into a dispute between the injured on one hand and Jaspal Singh/Balbir Kaur on the other hand, but no challan/charge sheet has been filed against them. Learned counsel has further submitted that though the prosecution has pleaded in the challan, that the petitioner has caused fracture(s) to the injured but despite having been repeatedly called upon, the complainant did not choose to appear before the Government Medical Board for medical examination. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 11.2.2026 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 5.8.2025 wherein after investigation was carried out; challan was prepared on 4.11.2025 and subsequently filed. Total 26 prosecution witnesses have been cited and it is not in dispute that none has been examined till date. It is thus indubitable that culmination of trial will take its own time. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“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.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.1 The rival contention raised at Bar give rise to debatable issues which shall essentially be ratiocinated upon 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 trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.2 As per custody certificate dated 11.2.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 months and 01 day. As per the said custody certificate, the petitioner is stated to be involved in 01 more case/FIR. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

12.2.2026
Ashwani

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