

2026.PHHC.035219



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

120

CRM-M-57883-2025 (O&M)
Date of decision: 09.03.2026

Salim Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. BS Kathuria, Advocate for the petitioner.

Ms. Gagandeep Kaur, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.102 dated 31.12.2021, registered under Sections 302, 341, 148, 149 IPC, at Police Station Bhindi Saidan, Tehsil Ajnala, District Amritsar.

2. Learned counsel contends that the petitioner has been in custody for 3 years and 15 days. As per the allegations, petitioner along with co-accused Gopi Masih was attributed two injuries, however, the latter has been declared innocent for which reference is made to status report dated 07.01.2026 filed by way of affidavit of Deputy Superintendent of Police, Sub-Division Rajasansi, Amritsar (Rural). There is no evidence to connect the petitioner to the alleged occurrence. No recovery has been effected from the petitioner. Besides the aforesaid co-accused, three others have been declared innocent who had also been attributed specific injuries to the deceased. Though challan was presented

on 20.05.2023 and charges were framed on 08.09.2024, however, none, out of 21 PWs, has been examined. Zimini order dated 21.02.2026 passed by the Additional Sessions Judge, Amritsar, has been produced, as per which, complainant-Harpreet Singh and two other witnesses are involved in other cases and therefore not appearing despiteailable warrants for which also the zimini orders have been referred. He is not involved in any other case.

3. The custody certificate dated 09.03.2026 filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 3 years and 15 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner are of having inflicted injury on the forehead of the deceased along with his co-accused being part of the unlawful assembly. However, she is unable to controvert with regard to stage and petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 3 years and 15 days; not involved in any other case; challan has been presented on 20.05.2023, charges stand framed on 08.09.2024 and out of 21 PWs, none has been examined, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following

conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

09.03.2026

ashok

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