



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

228

CRM-M-58715-2025 (O&M)
Date of decision : 16.01.2026

Vivek Mathur @Gottu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. R.K. Singla and Mr. Ashim Singla, Advocates for
Mr. Supinder Singh Sohi, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (oral)**CRM-51468-2025**

1. This application seeking for preponement of the main case stands dismissed as the date fixed in the main case is today itself.

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2. For the commission of offence punishable under Sections 333, 115(2), 109, 118(1), 332(B), 126(2), 351(2), 351(3), and 3(5) of Bharatiya Nyaya Sanhita, 2023, the FIR No.58 dated 04.06.2025 has been lodged in Police Station Khanauri, District Sangrur. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail.

3. In nutshell, the facts emanating from the record are that the above-mentioned FIR came into being in response to a statement of 'Sunil



Kumar', hereinafter being referred to as 'complainant' only. It was stated by him that he was having some issue with regard to arrears of electricity meter installed in his shop, and that on 02.06.2025 at about 7.00 P.M. when he was taking rest on bed inside his shop, Vivek Mathur alias Gotu (petitioner herein), Vishal Mathur, sons of Surinder Mathur and Joban and one unknown person armed with sticks came there, surrounded him and inflicted injuries on his person.

4. As per details given by the complainant, a stab wound was inflicted under his neck on left shoulder by Vivek Mathur, (petitioner herein) and another on right side under his neck by Vishal Mathur. According to complainant, he was also injured by Jobanpreet Singh @Joban, and that other assailants inflicted injuries on his body with the help of sticks. It is the case of prosecution that on the basis of above mentioned complainant, formal FIR in this case was lodged and the investigation taken up. As per prosecution during the course of investigation, the petitioner was arrested.

5. **Notice of motion.**

6. Since advance notice has already been served upon the State, Mr. I.P.S. Sabharwal, DAG Punjab accepts notice on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

7. Heard.

8. It has been contended on behalf of the petitioner that the petitioner has been falsely implicated in the present case, and that the injury,



suffered by the complainant, declared to be dangerous to life, has not been attributed to the petitioner. According to learned counsel for the petitioner, the petitioner has already suffered prolonged incarceration for being in custody for a period of more than 07 months, and that the injured has already been discharged from the hospital. It has also been contended that the trial is not likely to be completed in near future.

9. In addition to above, it has also been contended by learned counsel for the petitioner that the benefit of bail has already been accorded to the co-accused, namely Jobanpreet Singh @Joban, vide order dated 16.09.2025, passed by this Court. According to learned counsel for the petitioner, the entire version of the complainant has not been found to be creditworthy as despite specific allegations leveled against the accused Vishal Mathur, the Investigating Agency has exonerated him. The learned counsel for the petitioner has contended that the instant case is a case, wherein the injury, which was declared dangerous to life, was attributed to Vishal Mathur and he is not an accused in this case.

10. *Per contra*, the learned State counsel has controverted the abovementioned arguments. According to learned State counsel, under a common conspiracy, an attack was launched by the petitioner along with his accomplices, and that irrespective of the fact that the dangerous to life injury has not been attributed to the petitioner, being a member of assembly having common intention to kill the complainant, the petitioner is liable to be convicted under Section 307 IPC read with Section-34 IPC. According to learned State Counsel, in view of the gravity of offence, the petitioner is not entitled to benefit of bail.



11. The record has been perused carefully.
12. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for the decision in the present petition: -
- i) that as per custody certificate, the petitioner has already suffered incarceration for a period of more than 07 months;
 - ii) that the complainant in this case has already recovered and has been discharged from the hospital way back in the month of June itself;
 - iii) that the investigation in the present case is already complete, and therefore, nothing is left to be recovered from the possession of petitioner;
 - iv) that benefit of bail has already been accorded to the co-accused, namely Jobanpreet Singh @Joban, vide order dated 16.09.2025, passed by this Court;
 - v) that the petitioner has no criminal antecedents;
 - vi) that trial is not likely to be completed in near future;
 - vii) detention of the petitioner in judicial lock-up is not likely to serve any purpose;
 - viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
 - ix) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.
13. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein



it has been observed that “a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

14. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a



negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

15. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

16. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.



17. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

18. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

16.01.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No