

CRM-M-61521-2024

2026:PHHC:028124



107 (1st case)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Rahul Kumar @ Gora
.....Petitioner
Versus
State of Punjab
...Respondent

Date of Decision: February 23, 2026
Date of Uploading: February 24, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Harpreet Singh Jakhal, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

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 bearing FIR No.27 dated 14.04.2024, registered for the
offences punishable under Sections 323, 324, 148, 149, 120-B of the IPC, 1860
(Sections 326 and 302 of IPC added later on), at Police Station Daresi, District
Ludhiana.

2. The gravamen of the FIR in question is that the complainant,
namely, Neelam Rani, mother of the deceased Ajay Kumar, stated that on
13.04.2024, she along with her son had gone towards Basti Jodhewal for some
domestic work. Her son, Ajay Kumar, stopped their Activa scooter near
Jodhewal Chowk on the roadside and proceeded to Basti Mani Singh, Gali
No.2, to the house of co-accused, namely, Mohd. Sunain Ansari, to collect

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some money. When Ajay Kumar did not return for about half an hour, the complainant went in search of him. Upon reaching near Gali No.3, she saw her son lying on the ground while 4–5 persons armed with *kirpans* and *datars* were inflicting injuries upon him. On her raising an alarm, the accused fled from the spot along with their respective weapons. She immediately shifted her son to CMC Hospital for treatment. However, during the course of treatment, Ajay Kumar succumbed to his injuries. Consequently, the offence under Section 302 IPC was added on 27.04.2024.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.04.2024. Learned counsel has submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the petitioner is not named in the FIR in question. Learned counsel has iterated that prime evidence available against the petitioner is in the form of disclosure statement of co-accused, namely, Mintu. Learned counsel has further iterated that requisite TIP (Test Identification Parade) was not done. Learned counsel has argued that the petitioner has suffered incarceration for more than 01½ years. Learned counsel has iterated that the petitioner is young man aged 21 years with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of an affidavit dated 02.02.2025, which is already on record. Learned State counsel has also filed custody certificate dated 22.02.2026, in the Court today, which are taken on record. Raising submissions in tandem with the said status report, learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail.

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

6. The petitioner was arrested on 29.04.2024, whereinafter investigation was carried out and challan has been presented on 23.07.2024. Total 17 prosecution witnesses have been cited, and it is not in dispute that none has been examined till date.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which 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.

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.”

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

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forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 22.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 09 months and 19 days, & is not shown to be involved in any other FIR(s).

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, if not required in any other case, 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 cellphone 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/Illaqa 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.

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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

February 23, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No