



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

212/2

CRM-M-58962-2025 (O&M)
Date of decision:19.01.2026

Dalip Jha

...Petitioner

Versus

State of Punjab

...Respondent

2)
Sapan Mishra

CRM-M-60149-2025 (O&M)

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Simi Kandra, Advocate,
for the petitioner in CRM-M-58962-2025.
Mr. Davinder Bir Singh, Advocate,
for the petitioner in CRM-M-60149-2025.
Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

1. Prayer in both these present petitions filed under Section 483 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is for grant of regular bail to the petitioners in case FIR No.82 dated 01.05.2025, registered under Sections 105, 3(5) of BNS, 2023 (Section 61(2) added later on) at Police Station Moti Nagar, District Ludhiana.

2. Learned counsel contend that the petitioners have been in custody for 08 months and 14 days. As per the allegations, the petitioners were Security Guards at Petrol Pump wherein the deceased was allegedly committing the theft.



Charges have been framed on 18.08.2025, however, out of total 14 prosecution witnesses, 03 material witnesses stand examined, out of which complainant and Ramesh Garg have been declared hostile. Both the petitioners are not involved in any other case.

3. Status report by way of an affidavit of Assistant Commissioner of Police, (East), (Additional Charge, Industrial Area-A), Ludhiana (in CRM-M-58962-2025) and the custody certificates dated 18.01.2026, filed by the learned State counsel are taken on record. As per the same, both the petitioners are behind bars for 8 months and 14 days.

4. Learned State counsel opposes the bail on the ground that there were specific allegations against the petitioners having caused injury to the deceased, who succumbed to the said injury. However, he is unable to controvert the submissions with regard to stage of the case and the petitioners being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for 08 months and 14 days; not involved in any other case; charges were framed on 18.08.2025; out of 14 prosecution witnesses, 03 material witness have been examined, out of which two witnesses have been declared hostile, 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 and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, both the present petitions are allowed.



7. The petitioners are 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 petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless are exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The petitioners 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 petitioners shall not in any manner misuse their liberty.
- (vii) The petitioners shall furnish their addresses and mobile number by way of their respective affidavits to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioners 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 petitioners.

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 petitioners 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.

10. A photocopy of this order be placed on the file(s) of the other connected case (s).

(AMAN CHAUDHARY)
JUDGE

19.01.2026
dinesh

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