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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-61427-2025

Date of decision: 23rd February, 2026

Ankush Nanda @ Nanda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

Mr. Rajesh Gupta, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

Prayer in this petition has been made by the petitioner seeking grant of regular bail in case bearing FIR No. 28 dated 08.04.2024 registered under Sections 379-B, 341, 148, 149 and 120-B of IPC (Sections 307, 325, 326, 120-B and 201 of IPC added later on) at Police Station Kathunangal, District Amritsar Rural, on the basis of the statement recorded by the complainant Jagjit Kumar, alleging that on 07.04.2024, seven youths, who came riding on motorcycles, had intercepted him and opened an assault upon him, thereby causing injuries with the respective weapons which they were carrying in their hands and after snatching his motorcycle and throwing him in a nearby field, they fled away. All of them were having their faces covered.

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The complainant thereafter recorded his supplementary statement on 04.09.2024, alleging that his wife Reshma, who was having an illicit relationship with the co-accused Amarjit and had hatched a conspiracy with him to eliminate him and in pursuance thereof, he was assaulted and injuries were caused on his person. Co-accused Reshma was arrested on 04.09.2024. On interrogation, she suffered disclosure statement admitting that she had illicit relations with co-accused Amarjit and had hatched a conspiracy along with him to eliminate the complainant and in pursuance thereof, the accused Amarjit along with other assailants, had caused injuries on the person of the victim.

2. As per the further allegations, the accused Amarjit Singh was arrested on 05.09.2024. He too suffered similar disclosure statement and also disclosed that he along with the present petitioner-Ankush Nanda and co-accused Jagroop Singh @ Dhagga and other accomplices, had caused injuries on the person of the complainant and after considering him to be dead, had fled from the spot. He got recovered the motor bike and *datar* used by him. The petitioner and co-accused Jagroop Singh were nominated as accused on 08.09.2024 and were subsequently arrested. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. He is in custody since 22.10.2024. He is not required for

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further investigation. Trial will take considerable time to conclude as no prosecution witness has been examined so far. No specific overt act has been attributed to him. No recovery has been effected at his instance. His further incarceration would not serve any useful purpose. It is, therefore, argued that the petition deserves to be allowed.

4. Mr. Rajesh Gupta, Advocate has put in appearance on behalf of the complainant and has filed his power of attorney.

5. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that the allegations against the petitioner are serious in nature. He was hired by the co-accused Amarjit Singh and Reshma to kill the complainant. He along with the co-accused had inflicted serious injuries on the person of the complainant with an intent to kill him. There are chances of his absconding, committing the similar offences or intimidating the witnesses, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner was arrested in this case on 22.10.2024 and has remained in custody for a period of one year and four months. The chances of conclusion of trial in near future are bleak as no prosecution witness has been examined so far. He was involved in this case on the basis of disclosure statement of the co-accused and it is only of thorough assessment of the evidence to be adduced during trial that any conclusion as to the complicity

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of the petitioner in commission of subject offences can be drawn and not at this stage. It is well settled proposition that law prefers bail over jail aiming to balance of the right of the accused with the requirement of criminal justice system. Detention prior to trial should not be punitive. Prolonged incarceration militates against the most precious fundamental right guaranteed under Article 21 of the Constitution of India. Taking into consideration the above discussed facts and circumstances but without meaning to make any comment upon the merits of the case lest the same prejudice the trial, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd February, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |