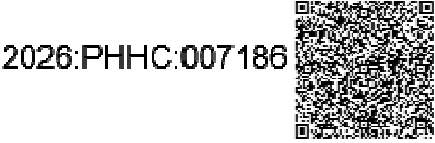


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Ankit Rao @ Vishnu

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: January 20, 2026
Date of Uploading: January 20, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. P.S. Ahluwalia, Senior Advocate with
Mr. Gaurav Jain, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

Mr. Prabhjot Singh Mann, Advocate for the complainant.

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.216 dated 04.11.2024, registered for the offences punishable under Sections 103, 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) (Section 61(2) of the BNS deleted and Section 3(5) of the BNS added later on), registered at Police Station Sadar Nabha, District Patiala.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Ranjeet Singh, son of Nasib Singh, stated that he has three brothers and one sister. His youngest brother, Gurcharan Singh, was

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unable to speak. On 03.11.2024 at about 9:30 a.m., an altercation took place which ultimately led to the death of Gurcharan Singh during treatment on 04.11.2024 at PGI, Chandigarh.

The complainant alleged that Gurcharan Singh was running a puncture repair shop in their village. On the said date, while Gurcharan Singh was cleaning his shop, Bhim Rao, who runs a sweet shop adjoining the shop of Gurcharan Singh, started an altercation with him regarding waste material. During the altercation, Bhim Rao, along with Ankush Rao and Ankit Rao alias Vishnu (*petitioner herein*), son of Bhim Rao, picked up *balas* from Bhim Rao's shop and, with the intention to kill, started giving *bala* blows on the head and other parts of the body of Gurcharan Singh. Ankit Rao alias Vishnu (*petitioner herein*) struck a *bala* blow on the right side of the head of Gurcharan Singh, as a result of which Gurcharan Singh fell to the ground. Thereafter, all the accused persons fled from the spot along with their *balas* after extending threats. Gurcharan Singh was immediately taken to Civil Hospital, Nabha, from where he was referred to Rajindra Hospital, Patiala, and subsequently referred to PGI, Chandigarh. Despite medical treatment, Gurcharan Singh succumbed to his injuries on 04.11.2024. The entire incident was videographed by Sikander Singh, son of Harbhajan Singh, who was also instigating the accused persons to beat Gurcharan Singh.

3. Learned Senior counsel for the petitioner has iterated that the petitioner is in custody since 17.11.2024. Learned Senior counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned Senior counsel has iterated that the FIR in question when read along with supplementary statement dated 05.11.2024 of the FIR-

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complainant, namely, Ranjit Singh, reflects that the petitioner (*herein*) has not been ascribed role of giving any injury on the head of the deceased – Gurcharan Singh, but the same has been ascribed to co-accused, namely, Ankush Rao. Learned Senior counsel has further iterated that the petitioner was merely defending himself and therefore, he cannot be termed as an aggressor. Learned Senior counsel has argued that the petitioner is in custody for more than 01 year and the trial is not progressing. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record the custody certificate dated 17.01.2026 and reply by way of an affidavit dated 02.12.2025 of Gurinder Singh, PPS, Deputy Superintendent of Police, Sub Division Nabha, District Patiala, in the Court today, which are taken on record. Raising submission in tandem with the said reply, learned State counsel has opposed the present petition by arguing that there are direct/serious allegations against the petitioner and, thus, the petitioner does not deserve the concession of the regular bail.

4.1. Learned counsel for the complainant has argued that the petitioner is actively involved in commission of crime and, hence, he ought not be granted concession of regular bail. Learned counsel has further argued that father of the petitioner is at large and has even tried to intimidate/ attack the FIR-complainant. Learned counsel has also argued that the complainant apprehends harm at the end of the petitioner, in case, he is released on regular bail. On the strength of these submission, dismissal of present petition is entreated for.

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

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6. The petitioner was arrested on 17.11.2024, whereinafter, the investigation was carried out and the challan has been presented on 13.02.2025. Total 18 prosecution witnesses have been cited and it is not in dispute that none has been examined till date.

6.1. 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.”

6.2. Learned counsel for the complainant has raised apprehension that the petitioner, in case, released on regular bail, may intimidate/ threaten the FIR-complainant, but no tangible/ perceptible material has been brought forward to indicate this aspect.

The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does

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

6.3. As per custody certificate dated 17.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 01 month and 28 days, & is not shown to be involved in 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 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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The FIR-complainant is at liberty to seek police protection from the concerned Senior Superintendent of Police, in case, the occasion so arises. In case, such application is preferred by the FIR-complainant, a ratiocinated decision thereupon shall be taken by the

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concerned Senior Superintendent of Police within 10 days of receipt of such application.

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.

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

January 20, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No