

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:048153



CRM-M-69816-2025 (O&M)

Mohammad Sudagar

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	24.03.2026
2.	The date when the judgment is pronounced	27.03.2026
3.	The date when the judgment is uploaded on the website	27.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Suvir Sidhu, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. R.S. Bains, Senior Advocate with
Mr. Sarabjot Singh Cheema, Advocate,
Mr. Sumeet Singh, Advocate and
Mt. Utsav Singh, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking benefit of regular bail in case arising out of FIR No.74

dated 05.08.2025, registered under Sections 333, 117(2), 115(2), 324(4), 351(2) and 3(5) of the BNS (offence under Section 109 of the BNS was added lateron), at Police Station City Ahmedgarh.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Abdul Sattar, who was posted as Constable in Security Defence Corps Bathinda, alleging therein that he had taken leave and had come to his house on 20.07.2025. On 30.08.2025, he had gone to the shop of his relative, namely, Sahibdin on his motorbike and was sitting there, when the present petitioner accompanied by co-accused, Mohd. Siraj and Mohd. Hisar reached there being armed with iron rods. The petitioner struck a blow with his iron road on the petrol tank of his motorbike and thereafter he entered inside the shop of Sahibdin while hurling abuses. He struck a blow with an iron road on the head of complainant. Accused Mohd. Hisar also caused injuries on his head with another iron road. His relative Sahibdin rushed for his rescue but all of them inflicted injuries on his person as well. Thereafter, they dragged him outside the shop and started causing injuries to him with their respective weapons and while making exhortations to kill him. In the meanwhile, PW Jamaluddin reached there, who raised clamour and then the assailants fled away. The complainant and Sahibdin were rushed to the hospital. The cause of grudge was a dispute over a plot between the petitioner and the complainant.

3. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 05.08.2025. He was interrogated and suffered disclosure statement admitting his involvement in the crime.

Accused Mohd. Siraj could not be arrested whereas accused Mohd. Hisar was arrested on 24.11.2025. Investigation qua the petitioner and co-accused Mohd. Hisar now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The trial will take considerable time to conclude. No specific injury has been attributed to him. The petitioner too had sustained injuries in the incident. The discharge summary of the complainant shows the alleged history of assault with a baseball bat by civilian and not any injury by iron rod. The petitioner is not required for further investigation. No useful purpose would be served by detaining him in custody anymore. It is, thus, argued that the petition deserves to be allowed.

5. Per contra, learned State counsel assisted by learned senior counsel for the complainant has vehemently argued that there are serious allegations against the petitioner, who in connivance with the co-accused had caused as many as 10 grievous injuries on the person of the victim. These injuries, though, were not opined to be dangerous to life but were on the vital part of the body and were serious in nature. The brother of the petitioner has been extended benefit of bail and he is extending threats to the complainant and other material witnesses. There are chances of the petitioner's absconding or intimidating the witnesses, if extended benefit of bail. It is, therefore, stressed that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner along with co-accused is alleged to have caused simple as well as grievous injuries on the person of the complainant and his

two companions. The complainant had sustained as many as 10 injuries, all of which have been opined to be grievous in nature. The allegations *prima facie* make out a case for commission of the subject offences as against the petitioner. However, he is in custody since 06.08.2025. He is not required for purpose of further investigation in the matter as the same stands concluded. The trial is likely to take considerable time to conclude as even charges have not been framed so far. As such, no fruitful purpose would be served by detaining him in custody anymore. There is no basis in the contention that the petitioner may intimidate the witnesses or may abscond. It is well settled proposition of law that bail is the rule and jail is an exception and the pre-trial incarceration should not be a replica of post conviction sentencing. The object of jail is to secure appearance of the accused during trial and it cannot be punitive or preventive.

8. In view of the discussion as made above, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the extent of two sureties in the like amount each, to the satisfaction of the learned trial Court/Duty Magistrate concerned, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

9. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.
10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

27.03.2026

harjeet

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

(MANISHA BATRA)
JUDGE