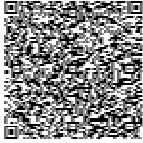


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2026:PHHC:024064



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-73670-2025

Sonu @ Gurpreet Singh Bhau

....Petitioner

Versus

State of Punjab

....Respondent

Date of decision: February 17, 2026

Date of Uploading: February 17, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Bansi Lal Sachdeva, 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.40 dated 11.04.2025, registered for the offences punishable under Sections 105, 304, 115(2), 3(5), 238 & 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), at Police Station Giddarbaha, District Sri Muktsar Sahib.

2. The gravamen of allegations against the petitioner is that the petitioner in connivance with other co-accused gave beatings to deceased after giving him over dose of drugs and also snatched his mobile phone. The deceased could not survive the over dose of the drugs.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 11.04.2025. Learned counsel has iterated that the

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petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that prime private prosecution witnesses, namely, PW1-Ved Parkash, PW2-Mahinder & PW3-Dharampal have been examined and they have turned hostile, thus, trial is not likely to be culminated into conviction. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature, and thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 16.02.2026, in the Court today, which is taken on record.

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

6. The petitioner was arrested on 11.04.2025, whereinafter, the investigation was carried out and the challan has been presented on 10.06.2025. Total 14 prosecution witnesses have been cited, out of which, 07 have been examined fully and 01 has been examined in part till date. Culmination of trial, but of-course, will take its own time. The rival contentions raised at Bar; including weightage required to be attached to the testimony of hostile witnesses; shall 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 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 16.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period

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of 10 months & 01 day. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another*, 2012 (1) RCR (Criminal) 586, a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State*, 1998 (2) RCR (Criminal) 477 & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana*, 1998 (3) RCR (Criminal) 191.

Suffice to say, further detention of the petitioner as undertrial is not warranted in the factual milieu 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(s), if any, with the trial Court.

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- (vi) The petitioner shall give his cellphone number(s) to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number(s) 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.

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 17, 2026
mahavir

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