

2026.PHHC.048344



CRM-M-73795-2025

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

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CRM-M-73795-2025 (O & M)

Date of decision: 27.03.2026

RAJWINDER SINGH ALIAS BINDU ALIAS RAJBINDER

....Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aaksh Rana, Advocate,
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.166 dated 06.05.2020, registered at Police Station City Phagwara, District Kapurthala, under Sections 302, 323, 341, 326, 307, 148, 149, 120-B and 188 IPC.

2. Learned counsel contends that the petitioner has been in custody for 5 years, 10 months and 12 days. He alleges false implication. As per the allegations, he is stated to have caused injury on the left arm of the complainant, with handle of hand-pump, however, no specific injury has been attributed with regard to the deceased, as it has been stated that all co-accused gave injuries with their respective weapons by forming

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unlawful assembly. Charges have been framed on 09.04.2021, 14 material witnesses, including the complainant, stand examined but there are still 12 more to go. He is involved in 2 more cases, in 1 of which he has undergone the sentence and the other is pending trial.

3. The custody certificate, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 5 years, 10 months and 12 days.

4. Learned State counsel opposes the bail on the ground that the petitioner was a member of unlawful assembly and had actively participated in the commission of offence, in which specific injury has been attributed to him caused to the complainant. However, he is unable to controvert the submissions with regard to stage of the case and the petitioner having undergone the sentence in 1 case and is facing trial in the other.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several

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criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 5 years, 10 months and 12 days; facing trial in 1 more case; charges stand framed on 09.04.2021, however, 14 witnesses, including the complainant, have been examined, out of 26; 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, the present petition is allowed.

8. The petitioner is 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 petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner 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 petitioner shall not in any manner misuse his liberty.

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- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner 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 petitioner.

9. 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 petitioner by this order.

10. 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.

27.03.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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