



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

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**CRM-M No.41560 of 2025
Date of decision : 12.8.2025**

Rajinder Kumar @ Jindu

.....Petitioner

Versus**State of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Harjap Dhanoa, Advocate, for
Mr. SPS Khaira, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. 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 FIR No.120 dated 27.11.2020, under Sections 302, 323, 341, 506 and 34 of IPC, registered at Police Station Phase-11, SAS Nagar (Mohali).

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Copy of statement, "Statement of Suraj Kumar son of Ghaniya Lal, resident of House No.01/05, owner Jora Singh, village Kambali, P.S. Sohana, District SAS Nagar aged 19 years, Mob. No.79860-55013. Stated that I alongwith my family, am residing as tenant on the above said address, I am +2 passed and working as Security Guard at Saint Mariya School, Phase-11, Mohali from 7.00 AM to 7.00 PM and my father Ghaniya Lal is also working as Security Guard from Satkar Security and



Land Group at New NCB Government Flats, Sector 66, Mohali. On 26.11.2020 at about 08.30 PM, I went from my house for delivering food to my father Ghaniya Lal at the gate of NCB Flats, Sector 66, Mohali and I found that the gate was closed as it opens only from inside the guard room due to electronic sensors operated from inside the guard room. I saw that three persons were arguing and abusing my father Ghaniya Lal, while standing inside the aforesaid gate. These three persons namely Rajinder Kumar, Ajay Kumar and Tillu were working as painters inside the flats for the last 5-6 days. During this quarrel, Ajay Kumar inflicted blow in the head of my father Ghaniya Lal with some article and as a result of the same, my father Ghaniya Lal fell on the ground. Thereafter, Tillu and Rajinder Kumar had inflicted leg blows in the ribs of my father Ghaniya Lal. The whole occurrence has been witnessed by me from outside the gate. I raised alarm at the spot and after hearing the alarm, the Supervisor Kuldeep Sharma reached at the spot and in the meanwhile, they three of them ran away from the spot, while abusing and threatening. Kuldeep Sharma, Supervisor had opened the electronic sensor gate after entering the guard room and thereafter I went inside and I alongwith Kuldeep Sharma got my father Ghaniya Lal admitted in the GMCH, Sector 32, Chandigarh for treatment, where my father is under treatment. So, the appropriate legal action be taken against Ajay Kumar, Rajinder Kumar and Tillu, residents of Kotkapura, District Faridkot. I got my statement recorded you, read it, heard it, it is correct. Sd/- Suraj Kumar 27.11.2020.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 18.12.2020. Learned counsel has further submitted that the main accused namely Rajinder Kumar @ Ajay Kumar @ Tota, who has been ascribed the role of giving head injury to the deceased, has been granted the concession of regular bail by this Court vide order dated 5.3.2025 passed in CRM-M No.11130 of 2025. Learned counsel has further argued that another co-accused namely Mukesh Kumar @ Tillu has also been granted the concession of regular bail by this Court vide



order dated 24.7.2025 passed in CRM-M No.29152 of 2025. Learned counsel has further argued that the trial is indeed procrastinating and the folly thereof cannot be fastened upon the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised 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 custody certificate dated 11.8.2025 in Court, which is taken on record.

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

6. The petitioner was arrested on 18.12.2020 and is in continuous custody since then. Challan in the case stands presented on 12.3.2021. Total 29 prosecution witnesses have been cited out of which only 2 have been examined till date. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“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.”

6.1 The rival contentions raised at Bar give rise to debatable issues which shall essentially 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.

6.2 As per custody certificate dated 11.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 years, 7 months and 24 days. As per the said custody certificate, the petitioner is stated to be involved in two more FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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 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 cell-phone 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.

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.

(SUMEET GOEL)
JUDGE

12.8.2025
Ashwani

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