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2025:PHHC:139335



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: October 08, 2025

Tajinder Singh @ Mannu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Aajeshwar Singh Grewal, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

Mr. Imaan Singh Khara, 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.41 dated 22.04.2024, registered for the offences punishable under Sections 308, 323, 34 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Sangat, Bathinda.

2. The gravamen of the FIR in question is that complainant/ injured, namely, Gurpreet Ram stated that on 22.03.2024 at about 10:30 PM, when, after completing his personal work, he was returning home on his motorcycle *via* Refinery Road and reached near *Toti Di Shop*, Village Pakka Kalan, he was stopped by Mannu (petitioner herein), along with two unidentified persons, all of whom were armed with sticks. The petitioner struck a direct blow on his head with a stick, causing him to fall to the ground. Thereafter, the petitioner and the two unknown accomplices repeatedly assaulted him with sticks,

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inflicting injuries on the fingers of both hands and on his back. He raised an alarm, upon which his father, namely, Balvir Ram, arrived at the spot and also raised hue and cry. On seeing this, the assailants fled from the scene.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 02.04.2025. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that offence under Section 308 of IPC is not made out against the petitioner in the factual milieu of the case in hand and at the most, the case could be termed as one under Sections 323/ 34 of IPC. Learned counsel has further argued that the petitioner is a young man aged 21 years with clean antecedents. 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 07.10.2025, in the Court today, which is taken on record.

5. Learned counsel for the complainant has vehemently opposed grant of regular bail to the petitioner by arguing that there are direct/ serious allegations against the petitioner. He further iterated that in case, the petitioner is released on bail, there is all likelihood that he may flee from the process of justice as also interfere with the prosecution evidence. On the strength of these submissions, dismissal of the petition is entreated for.

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

7. The petitioner was arrested on 02.04.2025 whereinafter investigation *qua* him was carried out and challan *qua* him has been presented on 20.05.2025. Total 17 prosecution witnesses have been cited, and it is not in

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dispute that charges *qua* the petitioner are yet to be framed. It is thus, indubitable that conclusion of the trial will take its own time. The rival contentions raised at Bar give rise to debatable issues, which 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.

7.1. As per custody certificate dated 07.10.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 06 months and 04 days, & is not shown to be involved in the other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the factual milieu of the case.

8. 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.

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9. 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.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

October 08, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No