



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

228

**CRM-M No.46260 of 2025 (O&M)
Date of Decision:30.09.2025**

Rishav Kumar

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Ms. Varda, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 109, 115(2), 118(1), 126(2), 351(1), 351(3), 191(3), 190 and 238 of BNS, FIR No.19 dated 10.02.2025, has been lodged in Police Station Urban Estate, District Patiala. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition under Section 483 of BNSS for grant of bail.

2. In nut-shell, the facts emerging from the record are that the FIR of this case came into being on the statement of complainant Gurpreet Singh, who had stated that on 08.02.2025 at about around 11 P.M, he along with his brother Davinder Singh was going to his home, and that he was on his rickshaw, whereas his brother on a motorcycle. According to complainant on the way in street No.19, Guru Nanak Nagar, Patiala, all of a sudden 3-4 boys encircled



them. As per complainant they were armed with various weapons including sharp edged weapons, and inflicted injuries on various parts of his body as well as on the person of his brother Davinder Singh. According to complainant during the course of their thrashing, 3-4 more boys joined the group of assailants causing injury on their person, and thereafter, fled from the spot.

3. It is the case of prosecution that on the basis of above mentioned statement, the FIR for the commission of offence punishable under Sections 109, 115(2), 118(1), 126(2), 351(1), 351(3), 191(3), 190 and 238 of BNS has been lodged, and the investigation taken up.

4. It has been contended by learned counsel for the petitioner that the petitioner is already in custody since 03.03.2025 and that nothing is left to be recovered from the possession of petitioner and trial is not likely to be concluded in near future. In addition to above, it has also been submitted by learned counsel for the petitioner that the parties have arrived at a compromise and according to compromise the complainant/injured have no objection if the petitioner is released on bail.

5. Per contra, the learned State counsel has argued that there are very specific and categorical allegations against the petitioner, and that offence punishable under Section 307 IPC is non-compoundable, and, therefore, the petitioner is not entitled to draw any benefit of the alleged compromise.

6. The record has been perused carefully.

7. A careful perusal of record shows that in the present case there are several factors which are required to be taken into consideration for the decision of petition. They are:-



- i) that the petitioner is already in custody for a period of more than 05 months;
- ii) that nothing is left to be recovered from the possession of the petitioner;
- iii) that the investigation and trial is not likely to be concluded in near future;
- iv) that the injured has already been discharged from the hospital;
- v) that detention of the petitioner behind the bar is not likely to serve any purpose;
- vi) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence or influence the witnesses.

8. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail and that the present petition deserves to be allowed.

9. In view of above mentioned observations the present petition is hereby allowed accordingly, and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court.

10. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition, and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

30.09.2025

Manoj Bhutani

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