



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

212

CRM-M-35393-2025 (O&M)  
Date of decision: 04.09.2025

Sanjiv Kumar Alias Sanju

....Petitioner

Versus

State of Punjab and Another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

\*\*\*\*\*

Present : Mr. Pankaj Bali, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

\*\*\*\*\*

**AMAN CHAUDHARY, J. (ORAL)**

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.22 dated 27.01.2024, registered under Sections 323, 325, 341, 148 and 149 IPC (Section 307 IPC added later on) at Police Station City-2, Khanna.

2. Learned counsel contends that the petitioner has been in custody for 1 year and 4 months. He alleges false implication. It is on the disclosure statement of co-accused Pawan and Badal, his name had surfaced, however, no injury has been attributed to him. His sons-co-accused Kunal and Kalu, who were attributed injures, are in custody. Co-accused Sahil @ Pankaj has been granted anticipatory bail by this Court vide order dated 22.08.2024 in CRM-M-24734-2024. Challan stands presented on 26.07.2024 and the charges have been framed on 17.12.2024, however, out of 16 prosecution witnesses, only examination-in-chief of 1 has been recorded. The petitioner is convicted in one more case under Section 308 IPC on



28.05.2012 for 4 years, wherein his sentence is complete. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 03.09.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 1 year, 4 months and 1 day.

4. Learned State counsel opposes the bail on the ground that there are specific allegations levelled against the petitioner in the disclosure statement and recovery of handle of handpump has been effected from him. However, he is unable to controvert the submissions with regard to stage of the case, co-accused having been granted anticipatory bail and the petitioner has undergone the entire sentence in conviction case.

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."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 4 months and 1 day; co-accused has been granted anticipatory bail; challan stands presented on 26.07.2024 and the charges have been framed on 17.12.2024, however, out of 16 prosecution witnesses only one has been partly examined, 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.
- (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.

**(AMAN CHAUDHARY)**  
**JUDGE**

**04.09.2025**

M.Kamra

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