

2025:PHHC:037931



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

293

**CRM-M No.729 of 2025
Date of Decision: 19.03.2025**

Naveen ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aajeshwer Singh Grewal, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
5	27.01.2024	Dhakoli, District SAS Nagar	392 and 394 of IPC (395 and 427 of IPC added later on)

2. As per the allegations, on the night of 26.01.2024, the complainant Aman Bhatt along with his father Hanuman Parshad Bhatt was going from Chandigarh towards his house at Village Dhakoli in their Swift VXi Car bearing registration No.PB65AJ-1191. On the way, he

2025:PHHC:037931



stopped the car to ease himself whereas his father kept sitting inside the car. At the same time, one unknown person came behind him and hit a beer bottle on his head. Due to the impact of the blow, the complainant sat down on the road while holding his head. On turning back, he found five persons to be standing there. One of them again struck a blow with a beer bottle upon him. He raised alarm but those persons threw his father out of the car and fled away with the same. He was got admitted in the hospital. Initially, a case under Sections 392 and 394 of IPC was registered. Subsequently, offences under Sections 395 and 427 of IPC were added. Investigation proceedings were initiated. During investigation, it was revealed that the car of the complainant was recovered in another case bearing FIR No.30 registered at Police Station Canal Colony Bathinda on 02.03.2024 and the accused Nigam who had been arrested in that case had disclosed that the said car was handed over to him by the present petitioner. On the basis of this information, the petitioner was nominated as an accused. The petitioner was arrested on 28.08.2024. The co-accused Veeru Yadav was arrested on 04.05.2024. Investigation qua the petitioner stands concluded and challan has been presented in the Court.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was neither named in the FIR nor any test identification parade has been conducted to connect him with the subject offences. He is in custody since

2025:PHHC:037931



28.08.2024. No recovery is to be effected from him. The co-accused Gurmeet Singh has been extended benefit of bail. The trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be given benefit of bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner. He is a habitual offender as one more criminal case is pending against him. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that he does not deserve to be released on bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner is in custody since 28.08.2024. The co-accused Gurmeet Singh whose case is on similar footing has since been extended benefit of bail. The petitioner cannot be denied benefit of bail due to the reason that he is involved in one more case. The trial would take time to conclude. Keeping in view the period of incarceration of the petitioner, the nature of the allegations as levelled against him, on parity and in view of the attendant facts and circumstances, I am of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

2025:PHHC:037931



7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

19.03.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No