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

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**CRM-M No.41492 of 2025
Date of Decision: 28.08.2025**

Ahmed Ansari ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Agnihotri, Advocate,
for the petitioner (through Video Conferencing).

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
185	20.09.2022	Sadar Ludhiana, District Police Commissionerate Ludhiana	302 and 323 read with 34 of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Rubina on 20.09.2022 alleging that on the night of 16.09.2022, her husband Ravi Shah and herself had come outside their room and were in the courtyard when the accused

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Gopi Chand who was residing in the same premises as a tenant started hurling abuses to her husband. He was under the influence of liquor. On the same night, when her husband was sleeping outside the room, the accused Gopi Chand struck blows with hammer on his head. Her husband raised alarm. Then the present petitioner and his wife Kiran Devi also reached there and they also opened an assault on her husband thereby causing injuries to him with hammer and stick. The clamour raised by the complainant and her husband attracted her mother Noor Jahan and brother who too sustained injuries at the hands of accused Kiran Devi. Thereafter, the assailants fled away while extending threats to kill the complainant and her family members. The mother and husband of the complainant were taken to hospital but due to lack of money, they were not medico legally examined. She took them to Civil Hospital, Ludhiana on 20.09.2022 but her mother as well as husband succumbed to the injuries sustained by them and died. While alleging that the petitioner, co-accused Gopi Chand and Kiran Devi were responsible for death of her husband and mother, she prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. Postmortem examination of dead body of the victims were also conducted. The petitioner was arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of three days in lodging of the FIR. No fatal injury has been attributed to the petitioner. The victim

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Ravi Shah had sustained only three injuries. Neither of those injuries were found to be grievous in nature. The victim Noor Jahan was not even medico legally examined. The injury suffered by Noor Jahan have not been attributed to the petitioner. The testimony of the doctor shows that if timely medical help was given to the victims, there were chances of their survival and as such, it cannot be stated that the injuries attributed to them were fatal in nature. The petitioner is in custody since 24.09.2022. No prosecution witness has been examined so far. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed.

4. Per contra, it is argued by learned Assistant Advocate General, Punjab that there are serious and specific allegations against the petitioner as he in furtherance of his common intention with the co-accused had caused fatal injuries to the victim Noor Jahan and Ravi Shah. They had died due to the impact of those injuries. There are chances of petitioner's absconding or intimidating the witnesses if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have caused injuries to the victim Ravi Shah and Noor Jahan on the night of 16/17.09.2022. They had died on 20.09.2022 due to the impact of those injuries. The petitioner was specifically named in the FIR. The allegations against him are serious in nature. The well settled proposition of law is that

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mere prolonged period of custody or the fact that the trial is likely to take time by itself coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

28.08.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No