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

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Date of decision: August 18, 2025

Davinder Singh @ Prince

....Petitioner

versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Imaan Singh Khara, Advocate and  
Mr. Gurmej Singh, Advocate for the petitioner.

Mr. Jasjit Singh, DAG Punjab.

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**SUMEET GOEL, J. (ORAL)**

1. 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.77 dated 04.06.2023, registered for the offences punishable under Sections 308, 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 325, 201 of IPC added later on), at Police Station Kotwali Nabha, District Patiala.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

*“This time it is hereby recorded one statement of Dimple Sidhu son of Sohan Singh, resident of Prem Nagar, backside Gurudwara Bora Gate, Nabha by hand ASI Chamkaur Singh 1928/PTA for registering the case under Section 308, 323, 341, 506, 148, 149 IPC, 1860 against Davinder Singh @ Prince, Resham sons of Babli, resident of Prem Nagar, Bora Gate, Nabha, Lovely Bhao, Bakshah, Gaurav and Kamal Bhao and other unknown persons and the same has been received by hand PHG Jugraj Singh 18699 at Police Station and the contents of the same are as:*

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*Statement of Dimple Sidhu son of Sohan Singh, resident of Prem Nagar, Gurudwara backside Bora Gate, Nabha, aged about 43 years, mobile no. 96460- 31310 stated that I am the resident of abovesaid address and I am doing the work of fruits and flowers near main road of PWD Rest House Nabha. On dated 02.06.2023, at 9 p.m. me and my friend Bony son of Ved Parkash and Ladi son of Amarjit, residents of Bora Gate, Nabha were drinking cold drink in the Tavern which is located at Cinema Road, Nabha and in the meantime, Davinder @ Prince, Resham sons of Babli, resident of Prem Nagar, Bora Gate, Nabha, Lovely Bhao, Badshah, Gaurva, Kamal Bhao and other unknown persons entered in the Tavern and after coming inside they started beating me and my friend Ladi fled away from the spot and my other friend Bony was caught hold by Badshah and Kamal Bhao and they took him at the godown of FCI after beating him and I got afraid from them and came out from the Tavern and ran towards the Mehas Gate side and then they caught hold me in the front of shop of Sharma Ice-cream and they again started beating me. Davinder @Prince gave two blow of iron datt upon my head and due to the same the blood start oozing out from my head and I fell down on the floor and while I was lying down Davinder @ Prince gave many blows of iron handle of water pump upon my right leg and Resham who was having handle of water pump in his hand gave the blow of the same upon my head and back. Garuav resident of Toba Basti, Duladi Gate, Nabha who was armed with handle of water pump gave the blow of the same upon my left arm and while I was lying down and the abovesaid persons beaten me with the handle of water pump. All the abovesaid persons were saying that today we will not left him and thereafter I got unconscious and then the abovesaid persons left me on the spot and fled away from the spot with their weapons and then my friend Bony came there and he took me and got me admitted at Civil Hospital, Nabha for treatment and there the doctor sahib after providing stitches upon my head referred me to Rajindra Hospital, Patiala and there my treatment is going on. Abovesaid Davinder @ Prince and Resham are my neighbourer and they used to come in my house and I have no enmity with them. However, the abovesaid persons without any enmity beaten me. I have threat to my life from the abovesaid persons. Legal action be taken against the abovesaid persons. Today I have got recorded my statement in the presence of my father. The statement is read and heard and the same is correct.”*

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question on account of the fact that the petitioner and the complainant are neighbourers. Learned counsel has iterated that the petitioner is in custody since 07.03.2024. Learned counsel has further iterated that assuming *arguendo*, the prosecution version is taken to be correct, the petitioner has not been attributed any injury on vital part of the body of the victim. Thus, regular bail is prayed for.

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4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 16.08.2025 in Court, which is taken on record.

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

6. The present petitioner was arrested on 07.03.2024, whereinafter, investigation *qua him* was carried out and the challan *qua him* was presented on 18.03.2024. Total 20 prosecution witnesses have been cited, but none has been examined till date. The rival contentions raised at Bar give shall be gone into during course of the 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 likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which reads thus:

*“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the*

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*manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.*

19. *If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.*

20. *We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.*

21. *We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”*

6.2. As per custody certificate dated 16.08.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 05 months & 08 days. Further, as per the said custody certificate the petitioner is stated to be involved in multiple cases/FIRs. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon’ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*, a Division Bench judgment of the Hon’ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of*

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*Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. 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 CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. 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.

9. Ordered accordingly.

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

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

**(SUMEET GOEL)**  
**JUDGE**

**August 18, 2025**  
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No