

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

221-

CRM-M-31327-2025**Date of decision: 04.07.2025**

Rajan Bhatti

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOELPresent: Mr. Vipin Mahajan, Advocate for the petitioner.
(Through V.C)

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J (ORAL)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.36 dated 22.03.2025 under Section 326 (g), 61(2), 303(2), 317(2), BNS, 2023 and Section 3(a) of Explosive Substance Act, 1908 registered at P.S City Batala, Police District Batala, District Gurdaspur.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Head Munshi, Police Station City Batala, Today I ASI was present at the police station. SI Sukhjinder Singh, Station House Officer, Police Station City Batala, received a mobile phone instruction that someone's house in Kot Gali Hathi Gate Batala has suffered damage due to fire. Please reach the ASI Chowk Hathi Gate Batala. Where SI Sukhjinder Singh, Station House Officer of Police Station City Batala, along with his fellow officers and PCR officers ASI Ashwani Kumar 3121/Batala, ASI Roop Lal No. 2705/Batala met, the PCR officers said that we were on duty last night and came to know from the people that today at around 3-00AM, a fire broke out in the house of Bunty son of Subhas Kumar Bhatti, resident of Kot Gali Hathi Gate Batala, due to which a lot of damage has



been done to the belongings, furniture, etc. in the house and the house has caught fire. However, with the help of five people, the fire was extinguished. I ASI reached the house of the Bunty and saw that the furniture, clothes, beds, AC, etc. Inverter and doors and others materials were burnt, which was informed to the FSL team and fingerprint team to come to the spot to find out the cause of the fire. After some time, FSL officer Mr. Ravi Sharma along with his team and fingerprint officer HC Shamsar Singh No. 24 FPB, CT Mandeep Singh No. 1692/Batala came. Who started their own action and the action of E-Saksa was implemented by the ASI. After taking his action, the FSL officer Mr. Ravi Sharma put three different parcels of ash taken with the evidence in plastic boxes and marked one plastic box with ash taken from the spot mark (1), one plastic box with ash taken from the spot mark (2). One plastic box with ash taken from the spot mark (3). The said three plastic boxes were handed over to me. That I ASI put my word stamp CS on the three parcels and took into possession of police. That no family member was present bin the house. That it is found from the circumstances that back door of the house was broken. That some unknown persons have put house on fire of bunty to cause danger to human life. If someone was present in house it could cause damage to human life and people around this house. That some unknown persons have committed offence under section 326(g) by putting house on fire. On which ruka is written and sent to police station.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.03.2025. Learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case as he is stated to have friendly relations with co-accused Raja Walia, who in turn, had a dispute with the owner of the house, alleged to have been burnt. He further submitted that the investigation in the present case is complete and no useful purpose would be served by keeping the petitioner behind bar any longer.



4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

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

6. The petitioner was arrested on 30.03.2025 whereinafter investigation was carried out & challan was presented on 20.06.2025. Total 15 prosecution witnesses have been cited and none has been examined till date. It is indubitable that the culmination of the trial, but of course, will take its own time. The contentions raised by rival parties give rise to debatable issues which shall be ratiocinated upon during the course of 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 the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 03.07.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 02 months and 29 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant 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 trial Court/Illaqa 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.

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.

July 04, 2025
manoj

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No