



109+243 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-59942-2024(O&M)  
Date of Decision:22.04.2025

Parvej Masih ...Petitioner  
vs.  
State of Punjab ...Respondent

**Coram :** Hon'ble Mr. Justice N.S.Shekhawat

**Present :** Mr. Birinder Singh Khehar, Advocate  
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

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**N.S.Shekhawat J. (Oral)**

**CRM-15714-2025**

1. Application is allowed as prayed for subject to all just exceptions.  
Annexures P-3 and P-4 are taken on record.

**CRM-M-59942-2024**

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.39 dated 16.07.2024 registered under Sections 109, 115(2), 117(2), 105, 3(5), 190, 191(3) of BNS, Section 105 of BNS has been added vide Rapat No.19 dated 14.10.2024, now the challan has been presented under Sections 105, 117(2), 115(2) and 3(5) of BNS, at Police Station Purana Shalla, District Gurdaspur.

2. Learned counsel for the petitioner contends that it was a case of free fight between the parties and the petitioner has been wrongly named as one of the accused due to previous enmity between the parties. He further contends

that as per the case set up by the prosecution, the petitioner had caused an injury on the right ear of Samual Masih and the said injury has been declared to be simple in nature. The petitioner was arrested in the present case on 17.07.2024 and is in custody for the last 09 months. He further contends that challan has already been presented against the petitioner. He next contends that only one witness, out of total 23 witnesses has been examined by the prosecution so far and the trial may take considerable time to conclude in near future. He next contends that the petitioner, who is aged about 76 years, is a senior citizen. Thus, the case of the petitioner deserves sympathetic consideration by this Court.

3. On the other hand, learned State counsel has filed reply by way of an affidavit of Deputy Superintendent of Police, Dinanagar, District Gurdaspur and the same is taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. It is not in dispute that the petitioner, who is a senior citizen, is attributed only simple injury, which was caused on the right ear of Samual Masih, injured with a brick bat. Even the prosecution is yet to lead evidence with regard to the involvement of the petitioner in the crime. The Court has been apprised for the fact that only one witness, out of total 23 witnesses, has been examined so far and the trial is not likely to conclude in near future. Apart

from that, the petitioner is not in a position to tamper with the prosecution evidence.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

22.04.2025  
hemlata

(N.S.SHEKHAWAT)  
JUDGE

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