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

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Date of decision : 10.04.2026

VISHAL KUNDRA

... PETITIONER

Versus

STATE OF PUNJAB

.. RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. J.S. Bains, Advocate and
Mr. P.K. Singh Bains, Advocate for the petitioner.

Mr. Surinderjit Singh Nahar, AAG, Punjab.

H.S. Grewal, J.(Oral)

1. This petition has been filed by the petitioner under Section 483 BNSS, 2023 for grant of regular bail in case FIR No.182 dated 24.08.2022, under Sections 304 & 420 IPC (now Sections 105 & 318 BNS, 2023) and Section 15 of the Indian Medical Council Act, 1956, registered at Police Station Gate Hakima, District Amritsar.

2. The case of the prosecution is that the wife of the complainant, namely Pinki, was admitted to Vishal Hospital for delivery. She was taken to the Operation Theatre, where she was operated upon. It is alleged that during the course of the procedure, the uterus of the complainant's wife was removed without obtaining consent from the complainant or his family members. It is further alleged that the said procedure was carried out due to the inability of the attending doctors to control excessive bleeding, and as a consequence thereof, the patient died. It is also alleged that the petitioner was not holding any valid

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licence or requisite medical qualification to run the said Hospital/Nursing Home.

3. Learned counsel for the petitioner, however, submits that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner neither performed the operation upon the deceased nor was present at the time when the alleged procedure was conducted. It is further submitted that the petitioner has been arrayed as an accused merely on account of being the owner of the said Nursing Home. Learned counsel also submits that the petitioner is in custody for the last more than 03 years, 07 months and 05 days and is not involved in any other case. He, therefore, prays for release of the petitioner on regular bail as the trial is likely to take a long time as out of total 31 cited prosecution witnesses, only 08 have been examined so far.

4. Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner. He has filed the custody certificate in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 03 year, 07 months and 05 days. He, upon instructions, submits that out of total 31 cited prosecution witnesses, only 08 have been examined so far.

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

6. In view of the above submissions of learned counsel for the parties and keeping in view the facts that the petitioner is in custody for the last more than 03 year, 07 months and 05 days, he is not involved in any other case and that the trial is likely to take a long time as out of total 31 cited prosecution



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witnesses, only 08 have been examined so far, therefore, this Court deems it appropriate to grant the concession of regular bail to the petitioner during the pendency of the trial as the continuous detention of the petitioner would not serve the ends of justice.

7. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of *Pardeep Kumar @ Banu versus State of Punjab*, bearing Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025), decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to punishment without trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. However, it is made clear that in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of his bail.

April 10, 2026
Sonia

(H.S.GREWAL)
JUDGE

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