



CRM-M-26489-2026

2026:PHHC:076537

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-26489-2026**

Kanhaiya Alias Khaniya

....Petitioner

Versus

State of Punjab

...Respondent

Date of Decision: 15.05.2026**Date of Uploading: 15.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Monty Goyal, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

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.27 dated 14.04.2024, registered for the offences punishable under Sections 323, 324, 148, 149, 120-B of the IPC, 1860 (Sections 326 and 302 of IPC added later on), at Police Station Daresi, District Ludhiana.

2. The gravamen of the FIR in question is that the complainant, namely, Neelam Rani, mother of the deceased Ajay Kumar, stated that on 13.04.2024, she along with her son had gone towards Basti Jodhewal for some domestic work. Her son, Ajay Kumar, stopped their Activa scooter near Jodhewal Chowk on the roadside and proceeded to Basti Mani Singh, Gali No.2, to the house of co-accused, namely, Mohd. Sunain Ansari, to collect some money. When Ajay Kumar did not return for about half an hour, the



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complainant went in search of him. Upon reaching near Gali No.3, she saw her son lying on the ground while 4–5 persons armed with *kirpans* and *datars* were inflicting injuries upon him. On her raising an alarm, the accused fled from the spot along with their respective weapons. She immediately shifted her son to CMC Hospital for treatment. However, during the course of treatment, Ajay Kumar succumbed to his injuries. Consequently, the offence under Section 302 IPC was added on 27.04.2024.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.04.2024. Learned counsel has submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that prime prosecution witness has turned hostile & thus the trial is not likely to culminate into conviction. Learned counsel has further submitted that two other co-accused namely Rahul Kumar @ Gora and Vishal Kumar have been afforded the concession of regular bail by this Court vide order dated 23.02.2026 passed in CRM-M-61521-2024 and CRM-M-62019-2024, respectively. Learned counsel has argued that the petitioner has suffered incarceration for more than 02 years & is stated to be involved in other case. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. He seeks to place on record custody certificate dated 14.05.2026, which is taken on record.

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



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6. The petitioner was arrested on 28.04.2024, whereinafter investigation was carried out and challan *qua* the petitioner was presented on 23.07.2024. Total 17 prosecution witnesses have been cited, and out of which only two has been examined till date. It is not in dispute that the prime prosecution witness has turned hostile. The rival contentions of the learned counsel for the parties including the factum of the weightage required to be attached to the testimony of the hostile witness shall be gone into during the course of the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioners absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 14.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 years, and 11 days, & is shown to be involved in other FIR(s). As per the said custody certificate, the petitioner is stated to be involved in more cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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, if not required in any other case, 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/Illaq 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.



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

(SUMEET GOEL)
JUDGE

15.05.2026*jatin*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No