



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213 + 214)

1. CRM-M-19987-2026 (O&M)

Sudhir Kumar

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M-20129-2026 (O&M)

Yatin Godara

... Petitioner

Versus

State of Punjab

... Respondent

3. CRM-M-25294-2026 (O&M)

Vikram Kumar @ Pauaa

... Petitioner

Versus

State of Punjab

... Respondent

Date of Decision:-17.08.2026

.-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. R.S.Rai, Senior Advocate
(in CRM-M-20129-2026)
Mr. P.S. Ahluwalia, Senior Advocate
(in CRM-M-19987-2026) assisted by
Mr. Parvej Chaudhary, Advocate,
Mr. Digvijay Singh, Advocate,



Mr. Kunal Sharma, Advocate,
Mr. Gourav Jain, Advocate;
Mr. Rahil Mahajan, Advocate,
Mr. Sukhysharan Sra, Advocate and
Mr. Arveen Sekhon, Advocate for the petitioner(s).

Ms. Navreet Kaur, AAG, Punjab.

Mr. Nakul Sharma, Advocate alongwith
Mr. Karan Sirohi, Advocate for the complainant.

--

VIRINDER AGGARWAL, J. (Oral)

CRM-29342-2026 in CRM-M-20129-2026

1. Application under Section 528 of the BNSS, 2023 (corresponding to Section 482 Cr.P.C.), seeking permission to place on record and urge additional facts and grounds.

1.1. In view of the reasons stated in the application, the same is allowed, subject to all just exceptions.

CRM-30580-2026 in CRM-M-19987-2026

1. Application under Section 528 of the BNSS, 2023 (corresponding to Section 482 Cr.P.C.), seeking permission to place on record and urge additional facts and grounds.

1.1. Having regard to the reasons recorded in the application, the same is allowed, subject to all just exceptions.

CRM-M-19987-2026, CRM-M-20129-2026 & CRM-M-25294-2026

1. By this common order, the Court proposes to dispose of the aforementioned three petitions, each seeking the grant of regular bail, inasmuch as they arise out of a common incident and are registered under the same FIR, the particulars of which are set out hereinafter.



2. The first petition has been preferred on behalf of each of the petitioners under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), seeking the grant of regular bail to each petitioner in connection with FIR No. 51 dated 02.05.2025 (Annexure P-1), registered at Police Station Bahawala, District Fazilka, under Sections 103(1), 126(2), 191(3), 190, 61(2) and 249 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 302, 326, 148, 149 and 120-B of the Indian Penal Code, 1860, respectively), read with Section 212 of the Indian Penal Code, 1860, and further read with Section 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985, it being clarified that Section 249 of the BNS, 2023 and Section 27 of the NDPS Act were incorporated into the FIR at a subsequent stage of investigation.

3. Briefly stated, the prosecution case, as set out in the FIR, is that the present FIR was registered on the basis of the statement of complainant Radha Krishan, son of Atma Ram, an agriculturist. He stated that he has two sons, namely Bharat Rattan and Lakhpat, both of whom are married. On 01.05.2025, his elder son Bharat Rattan went towards village Sitto Gunno on his Bullet motorcycle bearing registration No. PB-15-V-6591, while the complainant and his younger son Lakhpat were present at their residence. At about 3:20 p.m., the complainant received a telephone call from Anmolbir Singh, a friend of his son, informing him that Bharat Rattan had been waylaid by Yatin Godara, Sudhir Kumar, Vikram @ Paua and 5/6 unidentified persons, who had arrived in a Tata Harrier bearing registration No. PB-15-W-9629 and one Deluxe



motorcycle. It was further informed that the said persons had attacked Bharat Rattan with sharp-edged weapons, along with *dangs*, sticks and rods, causing serious injuries to his head, both arms and both legs, resulting in profuse bleeding.

3.1. The complainant, along with his son Lakhpat, reached the spot and found Bharat Rattan having sustained injuries on his head, right and left ankle, right and left knee, leg and the little finger of his right hand. He was thereafter shifted in the car of Anmolbir Singh to Civil Hospital, Abohar, where, after being administered first aid, he was referred to Sri Guru Gobind Singh Medical College and Hospital, Faridkot. However, he was subsequently taken to a hospital at Sri Ganganagar, where he succumbed to his injuries. On the basis of the aforesaid statement, the present FIR came to be registered against the accused persons.

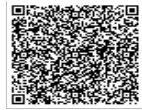
4. Learned Senior Counsel for petitioner-Sudhir Kumar submits that the grounds of arrest were not clearly communicated to the petitioner. It is contended that the initial version, based on information allegedly furnished by Anmolbir Singh, did not attribute any overt act to the petitioner, who was stated to have remained seated in the driver's seat. A specific role of giving kick blows was introduced for the first time in the supplementary statement of Lakhpat recorded after nine days. No specific injury, weapon or recovery is attributed to the petitioner, and the recoveries relied upon are from co-accused. The petitioner-Sudhir Kumar is stated to have been implicated merely on account of his employment as driver with co-accused Yatin Godara. Investigation is complete and his further custodial interrogation is not required. Learned Senior Counsel



further seeks parity with co-accused who have already been granted bail/protection and relies upon *Amritpal Kaur @ Amrit Kaur v. State of Punjab*, CRM-M-7299-2026, decided on 22.07.2026, 2026:PHHC:100294. It is accordingly prayed that the petitioner be enlarged on regular bail.

4.1. Learned Senior Counsel for petitioner-Yatin Godara submits that the FIR contains general allegations without attribution of any specific injury to the petitioner and that specific roles were introduced only through the supplementary statement dated 11.05.2025, whereby several additional accused were nominated. It is further submitted that prior animosity and cross-cases between the parties render false implication a distinct possibility. No recovery has been effected from the petitioner; the alleged Section 27 of the NDPS Act offence is bailable; investigation qua the petitioner stands concluded and his custodial interrogation is no longer required. Learned Senior Counsel further seeks parity with similarly placed co-accused who have already been granted bail/protection and points out that the petitioner's mother, initially arrayed as an accused, has been exonerated during investigation. It is further submitted that the petitioner is a young agriculturist and continued incarceration, when the trial is unlikely to conclude in the near future, would amount to punitive pre-trial detention.

4.2. Learned counsel for petitioner-Vikram Kumar @ Pauaa submits that the FIR, initially lodged on the statement of the deceased's father, contained no specific overt act attributable to the petitioner. It is contended that the supplementary statement dated 11.05.2025 introduced



several new accused, specific roles and an alleged theory of prior recce and conspiracy, whereas the petitioner is attributed only the alleged act of conducting recce and not participation in the assault. The petitioner surrendered and was thereafter arrested on 16.05.2025; only a motorcycle was allegedly recovered from him, with no weapon, blood-stained article or other incriminating material. The investigation is complete and challan has been presented. It is further submitted that the fatal injuries are attributed to co-accused and that there is no scientific or electronic evidence connecting the petitioner with the occurrence. Learned counsel seeks parity, pointing out that four co-accused have already been granted bail, and submits that the petitioner's continued incarceration serves no useful purpose.

4.3. Learned counsel for the petitioners, reiterating the aforesaid submissions, prays for grant of concession of regular bail to the petitioners.

5. Learned State counsel has tendered the custody certificates of the respective petitioners, which are taken on record, subject to all just exceptions.

5.1. Learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer for grant of regular bail. It is submitted that the allegations relate to a fatal assault in which Bharat Rattan sustained multiple injuries with sharp-edged weapons, *dangs*, sticks and rods and subsequently succumbed to the injuries. It is contended that the prosecution version, including the subsequent statements recorded during investigation, discloses the involvement of the petitioners in the



occurrence and their respective roles cannot be lightly brushed aside at this stage. Learned State counsel further submits that the subsequent investigative material and recoveries, read in the backdrop of the nature and gravity of the offence, prima facie warrant the petitioners' continued detention. Relying upon the impugned orders as also the judgment in ***Karan Singh v. State of NCT of Delhi, 2026 SCC OnLine Del 282***, it is contended that the seriousness of the offence, the nature of allegations and the circumstances in which the fatal occurrence is alleged to have taken place militate against grant of regular bail at this stage. It is further submitted that the pleas of contradiction, improvement, false implication and parity raised by the petitioners involve appreciation of evidence and cannot be conclusively adjudicated at the stage of bail. Dismissal of the respective petitions is accordingly prayed for.

6. The petitions preferred by petitioners Yatin Godara and Sudhir Kumar were contested, inter alia, on the additional ground that the petitioners were not furnished the grounds of their arrest at the time of arrest. Learned counsel for the petitioners placed reliance upon the judgment of the Hon'ble Supreme Court in ***Prabir Purkayastha vs. State (NCT of Delhi), 2024(3) RCR (Criminal) 142; Vihaan Kumar vs. State of Haryana and Another 2025(5) SCC 799; Ashish Kakkar vs. U.T. Chandigarh 2025(2) RCR (Criminal) 425; Dr. Rajinder Rajan vs. Union of India and Others, 2026(2) RCR (Criminal) 484*** and ***Mihir Rajesh Shah vs. State of Maharashtra and another, AIR 2025 SC 5554***.

7. Per contra, learned State counsel, assisted by learned counsel for the complainant, contends that the present case is not one of complete



non-communication of the grounds of arrest. It is submitted that the arrest memos categorically record that the petitioners were apprised of the nature of the offences alleged against them and were informed of the non-bailable nature thereof, as also of their right to avail appropriate legal remedies. Thus, according to the State, the grievance is confined to the alleged non-furnishing of the grounds of arrest in writing, and not to their complete non-communication.

7.1. It is further submitted that, at the relevant time, there was no prescribed format or settled procedure governing the manner in which the grounds of arrest were required to be furnished in writing, and that the requirement in this regard was subsequently crystallised by the Hon'ble Supreme Court in ***Mihir Rajesh Shah vs. State of Maharashtra and another, AIR 2025 SC 5554***, decided on 06.11.2025. Since the petitioners were arrested prior thereto, it is contended that the oral communication of the grounds of arrest constituted sufficient compliance with Article 22 of the Constitution of India. It is also urged that no prejudice has been demonstrated to have been caused to the petitioners on account of the alleged non-furnishing of the grounds of arrest in writing.

7.2. Learned State counsel further relies upon the judgment of the Hon'ble Supreme Court in ***State of Karnataka vs. Sri Darshan etc., 2025 SCC OnLine SC 1702***, to contend that a procedural lapse in furnishing the grounds of arrest, in the absence of demonstrable prejudice to the arrestee, would not ipso facto render the custody illegal or confer an indefeasible right to bail. Reliance is also placed upon the judgment of the Delhi High



Court in ***Karan Singh vs. State (NCT of Delhi), 2026 SCC OnLine Del 282***, wherein the aforesaid principle has been followed.

7.3. It is contended that the petitioners have raised the plea of non-furnishing of the grounds of arrest in writing for the first time before this Court, after their applications for regular bail had already been rejected on merits by the learned Trial Court. According to the State, the subsequent raising of such objection, without demonstrating any prejudice occasioned thereby, makes it evident that the alleged procedural lapse did not impair the petitioners' ability to defend themselves or seek appropriate legal remedies and, therefore, cannot, by itself, constitute a ground for their release on bail.

7.4. On merits, it is submitted that petitioners Sudhir Kumar and Yatin Godara are attributed direct participation in the occurrence, with specific injuries allegedly attributed to them, whereas petitioner Vikram Kumar @ Pauaa is alleged to have conducted reconnaissance of the place of occurrence prior to commission of the offence and thereafter reached the spot following the occurrence. On these premises, dismissal of the petitions is prayed for.

8. I have heard learned counsel for the parties and have gone through the paper book minutely with their able assistance.

9. As regards the communication of the grounds of arrest to an arrestee, this Court has, in its order dated 22.07.2026 passed in ***Amritpal Kaur @ Amrit Kaur vs. State of Punjab***, reported as **2026:PHHC:100294**, considered and summarised the various



pronouncements of the Hon'ble Supreme Court on the subject. The conclusions drawn therein are reproduced hereunder:-

7.1. The legal position emerging from the authoritative pronouncements of the Hon'ble Supreme Court of India may be succinctly summarised as follows:-

- A. The communication of the grounds of arrest to the arrested person is a mandatory constitutional safeguard flowing from Article 22(1) of the Constitution of India, and is not a mere procedural formality.
- B. The grounds of arrest must be furnished in writing and in a language which is understood by the arrestee, so as to enable the arrested person to effectively exercise the constitutional and statutory rights available to him/her.
- C. The grounds of arrest are legally distinct from an arrest memo. Mere preparation or service of an arrest memo cannot be construed as compliance with the constitutional mandate requiring communication of the grounds of arrest.
- D. The written grounds of arrest are required to be furnished not only to the arrested person but also to such relative, friend, or other person nominated by the arrestee, thereby ensuring meaningful compliance with the mandate of Article 22(1) of the Constitution.
- E. The grounds of arrest must be communicated to both the arrestee and the person so nominated expeditiously and, in any event, sufficiently prior to the production of the accused before the Magistrate for remand which should be at least two hours before production for remand, so as to enable the arrestee to effectively exercise the right to consult and be defended by a legal practitioner of choice.



- F. The Judicial Magistrate before whom the accused is first produced bears an independent and affirmative obligation to satisfy himself/herself that the mandatory constitutional safeguards envisaged under Article 22(1) of the Constitution of India, together with all other statutory requirements governing arrest, have been duly complied with before authorising further detention.
- G. Any infraction or non-compliance with these mandatory constitutional safeguards strikes at the very legality of the arrest and renders the arrest constitutionally infirm and legally unsustainable, entitling the accused to appropriate relief in accordance with law.
- H. Substantial compliance would not serve purpose.
- I. Absence of prejudice to accused is no ground to condone the non-compliance.
- J. Ground of arrest which are to be served should be akin to that of charge.

10. In the present case, petitioner Yatin Godara was arrested on 07.05.2025, petitioner Sudhir Kumar was arrested on 07.05.2025, whereas petitioner Vikram Kumar @ Pauaa was arrested on 16.05.2025. Thus, all three arrests were effected much prior to the pronouncement of judgment by the Hon'ble Apex Court in ***Mihir Rajesh Shah Vs. State of Maharashtra and another*** (supra), wherein, in paragraph Nos. 56 to 58, the Hon'ble Apex Court has authoritatively enunciated the legal position in the following terms:-

56. In conclusion, it is held that:

- i) The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all

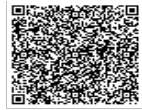


statutes including offences under IPC 1860 (now BNS 2023);

- ii) The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands;
- iii) In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it be so done orally. The said grounds be communicated in writing within a reasonable time and in any case at least two hours prior to production of the arrestee for remand proceedings before the magistrate.
- iv) In case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free.

57. After having come to the above conclusion, it is pertinent to note that the provision of law under Section 50 of CrPC 1973 (Section 47 of BNSS 2023) does not provide for a specific mode of or time frame for communication of the grounds of arrest to the person arrested. This Court in *Prabir Purkayastha* (supra), held that the grounds of arrest be conveyed to the arrestee in writing in all offences at the earliest, which means it need not be given at the time of arrest but within a reasonable time thereafter, for offences under all the statutes, which period would be as has been laid down above in this order.

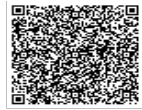
58. We are cognizant that there existed no consistent or binding requirement mandating written communication of the grounds of arrest for all the offences. Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid



uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that this procedure as affirmed above shall govern arrests henceforth.

10.1. The mandate requiring communication of the grounds of arrest in writing, at least two hours prior to production of the arrestee before the Magistrate for remand, was authoritatively delineated by the Hon'ble Apex Court in ***Mihir Rajesh Shah Vs. State of Maharashtra and another*** (supra). At the same time, paragraph No. 58 of the said judgment specifically recognised that, prior thereto, there was no uniform, consistent or binding requirement mandating written communication of the grounds of arrest in every case. The Hon'ble Apex Court, with a view to ensuring effective enforcement of the constitutional safeguard guaranteed to an arrestee under Article 22 of the Constitution of India and to bring certainty and uniformity in the administration of criminal justice, crystallised the requisite procedure to govern arrests henceforth. The requirement of furnishing the grounds of arrest in writing was, therefore, prospective in its operation.

10.2. In the present case, all the petitioners had been arrested much prior to the pronouncement of the aforesaid judgment dated 06.11.2025. Consequently, the mere fact that the grounds of arrest were not furnished to them in writing, notwithstanding their oral communication as duly reflected in the respective arrest memos, cannot retrospectively be treated as a violation of the subsequently crystallised procedural requirement. At the relevant time, such oral communication constituted compliance with



the constitutional safeguard embodied in Article 22 of the Constitution of India read with Sections 47 and 48 of the BNSS, 2023.

10.3. The aforesaid legal position has further been considered and elucidated by the Hon'ble Apex Court in ***State of Karnataka Vs. Sri Darshan etc.*** (supra), wherein the following principles have been enunciated with regard to question of prejudice to the accused:-

xxxx

No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the gravity of the charge under Section 302 IPC and the existence of a prima facie case. Its reliance on Pankaj Bansal and Prabir Purkayastha is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail.

10.4. The aforesaid legal position has also been considered by the Hon'ble Delhi High Court in ***Karan Singh Vs. State (NCT of Delhi)*** (supra), wherein the Court has held as under:-

xxx

The grievance about the alleged procedural lapse has been raised very belatedly i.e. after more than one year and nine months of the arrest and there is no whisper of any prejudice being caused to the petitioner, who was represented by counsel from day one. Supreme Court in State of



Karnataka v. Sri. Darshan, 2025 SCC OnLine SC 1702 has held that while compliance of Section 50 Cr. P.C. is mandatory, the consistent judicial approach has been to adopt a 'prejudice-oriented test' when examining alleged procedural lapses and, further held that mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice by denial of a fair opportunity to the accused to defend themselves.

10.5. In its recent pronouncement, the Hon'ble Apex Court has delineated the cases relating to non-compliance with Article 22 of the Constitution of India into two distinct categories. In the first category, non-compliance with the constitutional mandate embodied in Article 22(1) renders the arrest *ipso facto* illegal, irrespective of any demonstrable prejudice caused to the arrestee. The second category comprises cases where the question of prejudice assumes determinative significance in assessing the legal effect of the procedural lapse. The aforesaid distinction has been elucidated by the Hon'ble Apex Court in ***State of Meghalaya Vs. Sonam Raghuvanshi @ Bitti @ Bittu***, arising out of ***SLP (Crl.) No. 11944 of 2026***, wherein it has held as under:-

11. We find that the respondent is not entitled for bail, both on merits and on the grounds discussed by both the Courts. There is a fundamental difference between non- service of grounds of arrest and non-furnishing of adequate reasons thereunder. While the first category might vitiate the arrest, in the second category, one has to see the prejudice caused to the accused. In the facts of the instant case, it is not as if the respondent was not served with the grounds of arrest. Hence, the case of the respondent falls within the second category discussed above. The respondent has also not



taken the said plea at the earliest point of time, having done so only in her 4th Bail Application before the Trial Court.

10.6. Furthermore, the Hon'ble Apex Court has held that where an accused has, on an earlier occasion, consciously sought adjudication of his entitlement to bail on merits, it would not ordinarily be open to him to subsequently assail the legality of his arrest by raising, for the first time, a plea relating to non-furnishing of the grounds of arrest. The relevant portion of the judgment reads as under:-

12. With respect to the contention of the learned senior counsel for the respondent that there is no waiver of the right guaranteed under Article 22 (1) of the Constitution of India and, therefore, the stage at which a plea touching upon fundamental rights is raised would not matter, we would only clarify that when an accused person files a bail application, the stage might become irrelevant. However, when the accused person warranted a finding on merits on the earlier occasions, it is not open for him/her to go back and raise the plea on the issue pertaining to the grounds of arrest thereafter.

11. In the present case, the arrest memos specifically record that the petitioners were apprised of the nature of the allegations/offences for which they were being arrested. Thus, the present case is not one of complete non-communication of the grounds of arrest; rather, the grievance is confined to the alleged failure to furnish such grounds in writing. Moreover, all the petitioners were arrested much prior to the judgment of the Hon'ble Apex Court in ***Mihir Rajesh Shah Vs. State of Maharashtra and another*** (supra), pronounced on 06.11.2025, wherein the requirement of furnishing the grounds of arrest in writing was crystallised with



prospective effect. Consequently, the oral communication recorded in the arrest memos constituted compliance with the legal position prevailing on the dates of arrest.

11.1. The subsequent requirement of furnishing the grounds of arrest in writing, therefore, cannot be retrospectively applied so as to invalidate arrests effected prior to the aforesaid pronouncement. In any event, having regard to the subsequent elucidation of law in *State of Karnataka Vs. Sri Darshan etc. (supra)* and *State of Meghalaya Vs. Sonam Raghuvanshi @ Bitti @ Bittu (supra)*, the question of prejudice assumes significance in a case where there has been communication of the grounds of arrest, albeit not in the subsequently prescribed written form. In the present case, the petitioners have neither pleaded nor demonstrated any specific prejudice occasioned to them on account of the alleged procedural lapse. Significantly, they initially contested their applications for regular bail before the learned Trial Court on merits and did not raise any grievance concerning non-furnishing of the grounds of arrest under Article 22(1) of the Constitution of India read with Sections 47 and 48 of the BNSS, 2023.

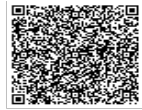
11.2. The objection regarding non-furnishing of the grounds of arrest in writing has been raised for the first time before this Court, after the petitioners had already remained in custody for a considerable period and had unsuccessfully sought regular bail on merits before the learned Trial Court. This subsequent invocation of the procedural ground, in the absence of any demonstrated prejudice, cannot be permitted to eclipse the substantive adjudication of their entitlement to bail. Learned State counsel



has further placed on record that, pursuant to the judgment of the Hon'ble Apex Court in *Mihir Rajesh Shah Vs. State of Maharashtra and another* (supra), the State of Punjab issued directions to the investigating agencies vide letter No. 6664-07/CR-LA-4 dated 05.06.2026, forwarding Circular No. 50 of 2025 dated 24.12.2025, mandating compliance with the requirement of furnishing the grounds of arrest in writing. The said circumstance also reinforces that the written-form requirement was thereafter formally institutionalised and cannot be retrospectively superimposed upon arrests made prior to the crystallisation of the said procedure.

11.3. Petitioners Yatin Godara and Sudhir Kumar, during the course of arguments, confined their submissions principally to the alleged non-furnishing of the grounds of arrest. Nevertheless, the petitions themselves contain other grounds seeking bail, including the plea of innocence and false implication, the stage and likely duration of trial, and the alleged parity with co-accused who have already been enlarged on bail. These grounds have been duly considered independently on their respective merits.

12. As regards petitioners Yatin Godara and Sudhir Kumar, the material on record attributes specific and overt acts to both. Yatin Godara is alleged to have inflicted *Kappa* blows on the head and left leg of the deceased, whereas Sudhir Kumar is attributed kick blows during the assault. Their alleged participation, therefore, is not founded upon a mere peripheral association but upon specific attribution of acts forming part of the fatal occurrence. It is also noteworthy that petitioner Yatin Godara was



found positive in the dope test. The co-accused who have been granted bail stand on a materially distinguishable footing, as the allegations against them primarily relate to conducting reconnaissance or providing shelter, without their physical participation in the assault at the place of occurrence.

12.1. The trial is still at its nascent stage and the complainant as well as other material prosecution witnesses are yet to be examined. Although petitioners Yatin Godara and Sudhir Kumar have remained in custody for more than 15 months, the gravity of the offence, the specific allegations of their participation in the assault and the stage of the trial, when considered cumulatively, do not justify their enlargement on bail at this stage. Consequently, the petitions bearing **CRM-M-19987-2026** of **petitioner-Sudhir Kumar** and **CRM-M-20129-2026** of **petitioner-Yatin Godara** are hereby **dismissed**.

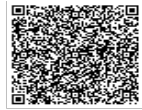
13. As regards petitioner Vikram Kumar @ Pauaa, the allegation against him is principally that he had conducted reconnaissance of the place of occurrence prior to the incident. Although witness Anmolbir Singh is stated to have disclosed during investigation that the petitioner was seen arriving at the place of occurrence after the occurrence, his presence is not reflected in the CCTV footage available from the place of occurrence. The petitioner has remained in custody for approximately 15 months, the investigation stands concluded and, significantly, a co-accused attributed a similar role has already been enlarged on bail. Having regard to the nature of the allegation, the material presently available, the period of



incarceration already undergone and the principle of parity, this Court finds the petitioner entitled to the concession of regular bail.

13.1. Accordingly, the petition bearing **CRM-M-25294-2026** of **petitioner-Vikram Kumar @ Pauaa** is **allowed**. Petitioner is ordered to be released on regular bail upon furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, as the case may be, subject to the following conditions:-

- i. The petitioner(s) shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the Investigating Agency.
- ii. The petitioner(s) shall not tamper with the prosecution evidence in any manner whatsoever, nor shall the petitioner(s), directly or indirectly, attempt to influence, intimidate, or contact any prosecution witness.
- iii. The petitioner(s) shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event any of the petitioner(s) is in possession of a passport, the particulars thereof shall be furnished before the Investigating Officer as well as the learned Trial Court.
- iv. Before accepting the bail and surety bonds, the learned Illaq Magistrate/Duty Magistrate/C.J.M. concerned shall obtain from the petitioner(s) the permanent residential address as well as the present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours of the acceptance



of the bail bonds and place a verification report on record. In the event any of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

- v. The petitioner(s) shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, the Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of the concession of bail in accordance with law.
- vi. The petitioner(s) shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days of such change.
- vii. The petitioner(s) shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless personal appearance is exempted in accordance with law. The petitioner(s) shall not absent from the proceedings without obtaining prior permission of the learned Trial Court. In the event of violation of any of the aforesaid conditions or unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of bail and issuance of appropriate coercive process, including warrants of arrest.

14. In view of the final adjudication of the principal matter, all pending miscellaneous applications, if any, arising out of or ancillary to



the present proceedings, shall also stand disposed of. No separate or further orders are warranted in respect thereof.

15. A photocopy of this order be placed on the files of each of the connected petitions for ready reference and for compliance, if any.

17.08.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No