



CRM-M-17535-2024

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

295

CRM-M-17535-2024

Date of decision: 11th December, 2024

Gaurav Kumar @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. B.S. Aulakh, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 17 dated 14.08.2023 registered under Sections 341, 324 and 506 of IPC, 1860 (Sections 307, 326, 323 and 34 of IPC, 1860 added later on and Section 148 and 149 of IPC deleted) at Police Station GRP Abohar, District Fazilka.

2. As per the allegations, on 13.08.2023, the complainant Harpreet Singh was present at railway station, Malout, when the petitioner along with the co-accused had reached there, being armed with weapons and after making an exhortation to kill the complainant, had opened assault upon him along with the co-accused and caused injuries to him. The injuries on the



person of the complainant were inflicted by the petitioner with a sword. One of these injuries had been declared to be dangerous to life, whereas one of them was grievous. The petitioner was arrested on 14.08.2023 and is presently, facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he is in custody since 14.08.2023. Trial is likely to take time. Co-accused have been extended benefit of bail. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that he deserves to be released on bail.

4. *Per contra*, learned AAG, Punjab has argued that keeping in view the nature of the injuries sustained by the victim at the hands of the petitioner and gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is in custody since 14.08.2023. Trial has commenced but is likely to take time. All the other co-accused have been extended benefit of bail. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner and the facts as enumerated above, but without meaning to make any comment on the merits of the case, it is observed that the petitioner deserves to be released on bail. Accordingly, the petition is



allowed and the petitioner is ordered to be admitted on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

11th December, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |