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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

328

CRM-M No.10867 of 2025
Date of Decision: 29.04.2025

Sunny Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manav Parteek Sharma, Advocate,
for the petitioner.

Ms. Swati Batra, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
60	11.05.2024	Machhiwara, Khanna, District Ludhiana	323, 324, 506, 148 and 149 of IPC (307, 325 and 201 of IPC added later on)

2. As per the allegations, on the evening of 10.05.2024, the petitioner along with the co-accused and some unidentified persons opened an assault upon Balwinder Singh, brother of the complainant Rajwinder Singh, while being armed with weapons. On hearing noises, the complainant was attracted towards the spot and on seeing him, the

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assailants fled away. The victim was rushed to the hospital. Initially, a case under Sections 323, 324, 506, 148 read with Section 149 of IPC was registered. Investigation proceedings were initiated. During investigation, offences under Section 307, 325 and 201 of IPC were also added. The petitioner was arrested on 08.07.2024. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The co-accused Harmanpreet Kaur, Sarabjit Kaur and Lovepreet Singh have been extended benefit of bail. No specific injury has been attributed to him. There is delay of one day in reporting the matter to the police. His further incarceration would not serve any useful purpose. The injuries on the person of Balwinder Singh were self inflicted. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report has already been filed by respondent-State. It is argued by learned Deputy Advocate General, Punjab, that keeping in view the gravity of allegations levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. Rival contentions of both sides have been considered.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have participated in the assault against the victim by causing injuries to him. He was alleged to have armed with a kirpan. However, neither any specific injury nor any specific role has been attributed to him. He is in custody since 08.07.2024. The co-accused

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Dalawar Singh @ Dilawar, Harmanpreet Kaur, Sarabjit Kaur and Lovepreet Singh have been extended benefit of bail. Trial is likely to take time to conclude. On parity, the petitioner too deserves to be released on bail. No useful purpose would be served by keeping him in custody any more. It is well settled proposition of law that bail is the rule and jail is an exception. His involvement in one other case cannot be considered to be a ground for denying benefit of bail to him. In view of the above dicussed facts and circumstances but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

29.04.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No