

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

237

CRM-M-15465-2025

Date of decision: 16th May, 2025

Akash

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

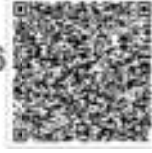
Present: Mr. D.S. Saini, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, Deputy Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

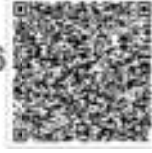
The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 131 dated 20.08.2024 registered under Sections 115(2), 118(1), 118(2), 109, 191(3), 190, 333 and 324(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 118(2) of BNS added later on vide GDD No. 14 dated 03.10.2024 at Police Station Garhshankar, District Hoshiarpur.

2. As per the allegations, on the night of 18.08.2024, the complainant Sukhjeet Singh and his Manager Amir Gogi, were sleeping in his poultry farm taken by him on rent from one Harjinder Singh about one month back, when they heard sounds of some vehicles reaching at the gate of poultry farm. Two persons scaled the wall of the poultry farm. The



complainant identified them as accused Maininder Singh @ Manjinder Singh and Happy son of Amrik Singh. They were armed with swords. They opened the gate after scaling over the wall and then 12-13 persons with muffled faces barged inside the poultry farm being armed with weapons. Accused Manjinder Singh and Happy made an exhortation for teaching a lesson to the complainant and opened an assault upon him. Accused Manjinder Singh struck a blow with *kirpan* thereby hitting his head, whereas, the remaining started assaulting him with their respective weapons thereby causing several injuries on his person. His Manager rushed for his rescue but he too sustained injuries at the hands of co-accused Happy. On clamour being raised by them, the assailants fled from the spot while damaging the motorbike of the complainant. Information was given to father of the complainant who took him to hospital. On his statement, the aforementioned FIR was registered. Investigation proceedings were initiated. The complainant recorded a supplementary statement, wherein he named some other co-accused. Subsequently, the complainant recorded a supplementary statement on the basis of which, the petitioner was nominated as an accused and was arrested on 26.08.2024. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of two days in lodging of the FIR. He was not named in the FIR and has been implicated subsequently. He is in custody since long. No specific injury has been attributed to him. It is a case of version and cross-version as a complaint had

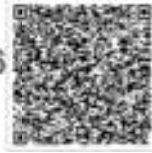


been lodged by the co-accused Maninder Singh on the basis of which, a *calendra* has been prepared. His further incarceration would not serve any useful purpose. He has clean antecedents. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned Assistant Advocate General, Punjab, has argued that there are serious and specific allegations against the petitioner. The victim had sustained 34 injuries which have been opined to be dangerous to life collectively. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. As per the allegations, the petitioner formed membership of an unlawful assembly with the co-accused and in pursuance thereof, had criminally trespassed into the farm house of the complainant along with the co-accused on the fateful night and the victim had been assaulted and had sustained simple as well as grievous injury. No specific injury has, however, been attributed to the petitioner. He is in custody since 20.08.2024. Trial would be take time to conclude. There is no basis for the contention that he will intimidate the witnesses. He does not have any criminal antecedents. The well settled proposition of law is that bail is the rule and jail is an exception. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the opinion



that the petitioner makes out a case for release on bail at this stage. Accordingly, the petition allowed and the petitioner is ordered to be released 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

16th May, 2025

Parveen Sharma

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