

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:082401



222

CRM-M-15578-2025
Date of decision:09.07.2025

Joginder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Moudgill, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. 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.323 dated 06.11.2024 registered under Sections 109, 333, 126(2), 118(1), 115(2), 191(3), 190 of the BNS at Police Station Bhawanigarh, District Sangrur.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Gurjant Singh alleging therein that on 04.11.2024, his father Karnail Singh was admitted in hospital. At about 6:45 p.m., he had gone to his house to take meals for his father, when accused Gurdit Singh intercepted him and tried to hit him with his motor bike. The complainant, however, managed to save himself and while going

inside his house, he narrated the incident to his cousin brother Shamsheer Singh. In the meantime, accused Gurdit Singh along with the petitioner and some other persons while being armed with weapons reached there. All of them encircled the complainant and started calling bad names. Thereafter accused Bhupinder Singh opened an assault upon him by striking a blow with hockey. The petitioner raised a *lalkara*. Accused Gurdeep Singh and Gurdit Singh caused injuries with hockey and *gandasa* upon him thereby causing injuries to him with intent to kill him. The petitioner also struck blows with baseball bat on his left leg. He was given kicks and fist blows. On clamour being raised by him, the assailants fled away. He was taken to hospital and was provided treatment. The motive behind the occurrence was that on 01.11.2024, the petitioner and his sons had given beatings to the father of the complainant and they also wanted to kill the complainant. After registration of FIR, investigation proceedings were initiated. One injury sustained by injured Gurjant Singh/complainant was opined to be dangerous in nature. The petitioner was arrested on 08.11.2024. Some co-accused were also arrested subsequently. As per the report given by the doctor, the injuries No.1 and 2 as sustained by the victim were grievous in nature and all the injuries were collectively dangerous to life. The investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 18.11.2024. The trial will take considerable time to conclude. His further detention would not serve any useful purpose. The co-accused Gurpreet Singh and Bhupinder Singh have been extended benefit of pre-arrest bail. On parity, he too,

deserves to be given the same benefit. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned State counsel that keeping in view the gravity of allegations as levelled against the petitioner and part played by him, he does not deserve to be released on bail.

5. This Court has heard the rival submissions made by learned counsel for the parties carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, is alleged to have voluntarily caused simple as well as grievous injuries to the complainant. Some of these injuries were declared to be grievous and were also declared to be collectively dangerous to life. The petitioner is, however, in custody since 18.11.2024. The injury on the left leg of the victim has been attributed to the petitioner. Investigation stands completed. The trial will obviously take time to conclude. Further incarceration of the petitioner is not going to serve any useful purpose. It is well settled proposition of law that the bail is the rule and the jail is an exception.

7. Keeping in view the above discussed facts, this Court is of the considered opinion that the petitioner deserves to be released on bail. Accordingly the petition is allowed and he is ordered to be admitted to bail subject to his furnishing personal/surety bonds to the satisfaction of learned trial Court/learned Chief Judicial Magistrate/Duty Magistrate concerned.

8. It is, however, made clear that nothing stated hereinabove shall have any bearing on the merits of the case.

9. This order shall come into force from the time it is uploaded on this Court's official webpage.

09.07.2025

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No