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

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Date of decision: 25th April, 2025

Jaskaran Singh @ Karan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Rajinder Kaur, Advocate and
Mr. Davinder Singh, Advocate for the petitioner.

Ms. Swati Batra, 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. 05 dated 15.01.2025 registered under Sections 115(2), 110, 351(2), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Offence under Section 117(2) and 3(5) of BNS have been added later on) at Police Station City Morinda, District Rupnagar.

2. The aforementioned FIR had been registered on statement recorded by the complainant Lakhi Ram alleging therein that on 13.01.2025, at about 10:30 PM, some youths came to his Dhaba in a car. They were armed with weapons and they opened an assault and caused several injuries to him. He also extended threats to kill him. He was rescued by the persons



who were present at his Dhaba and in the nearby liquor vend. He was taken to hospital and had sustained several injuries. After registration of FIR, investigation proceedings were initiated. Subsequently, the complainant recorded his supplementary statement, on the basis of which, the present petitioner was nominated as an accused. He was arrested on 14.01.2025 and is in custody since then. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. His name was taken by the complainant after a delay of 17 days of lodging of the FIR. A false version has been concocted against him. Trial is likely to take considerable time. His further incarceration would not serve any useful purpose. He has clean antecedents. As such, it is urged that he deserves to be released on bail.

4. Notice of motion.

5. Learned Deputy Advocate General, Punjab has advance notice of the petition and is ready to argue the matter. She has filed a custody certificate and has submitted that the petitioner is involved in two more cases. There are grave allegations against him and therefore, it is urged that he does not deserve to be released on bail.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have caused simple as well as grievous injuries to the complainant. The FIR was registered after a gap of two days and the name of the petitioner was taken by the complainant after a gap of seventeen days. Trial has commenced but will take time to conclude since



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even charges have not been framed so far. No useful purpose would be served by keeping him in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is 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.

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

[MANISHA BATRA]
JUDGE

25th April, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*