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

**CRM-M No.26968 of 2025
Date of Decision: 15.09.2025
Reserved on: 08.09.2025**

Surinder Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jasjit Singh Dhaliwal, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

Mr. Harmanpreet Singh Mander, Advocate,
for Mr. Harpreet Singh Multani, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The instant one is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.97 dated 03.06.2024 registered under Sections 308, 323, 506, 379 and 341 of IPC (Section 325 of IPC added later on) at Police Station City Rupnagar, District Rupnagar. The first petition filed by the petitioner bearing CRM-M No.53510 of 2024 had been dismissed vide order dated 31.01.2025.

2. As per the allegations, on 03.06.2024, on receipt of an information from PGIMER, Chandigarh regarding admission of one

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Rakesh Kumar therein in an injured condition, police officials had reached there and obtained opinion of doctor as to the fitness of the injured Rakesh Kumar who was opined to be unfit to make statement. His son Tanish Kumar recorded a statement that on 02.06.2024, he along with the victim, his uncle Gurbachan Singh, Prem Chand and Sanjiv Kumar was going towards his house at Nangal in a Toyota Etios car driven by him. When they reached near Solkhiyan Toll Plaza, the petitioner who was driver of car bearing No.PB-71-A-9763 started having an altercation with him by saying that he had hit his car. The complainant felt sorry for the same but in the meantime, the said driver called five persons and asked them to reach at Police Line Rupnagar. When they reached near the Police Line, all of them opened an assault upon the complainant and his father and caused injuries to them. The petitioner struck blow with a metal bracelet that he was wearing in his arm thereby causing injuries on the head of Rakesh Kumar and then they fled. Initially case was registered against the petitioner and unknown persons.

3. During investigation, the complainant produced a video of occurrence which was prepared by him. Additional accused were nominated and arrested. The petitioner was arrested on 02.08.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not the aggressor. Infact, he was pushed and beaten up by the complainant, his father and another occupant of their vehicle when a collision had taken place between their vehicles near

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toll plaza. Later, the petitioner had asked his brother to stop the car of the complainant and to ask the reason for assaulting them and only then a free fight had taken place between them. He is in custody since long. The investigation stands concluded. Trial will take considerable time to conclude. He had only given slaps to the victim and it was only unintentionally that a bracelet worn by him had caused hurt to the skull of the victim. His further incarceration will not serve any useful purpose. The eye-witness Gurbachan Singh has not even identified him while recording his sworn deposition. It is, therefore, urged that he deserves to be released on bail.

5. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant that the allegations against the petitioner are serious in nature. His previous petition had been dismissed by passing a detailed order. There is no substantive or specious change in the circumstances. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner along with the co-accused is alleged to have assaulted the complainant and his father on 02.06.2024 and is further alleged to have caused grievous injury on the head of victim Rakesh Kumar. Two of the material witnesses have since been examined. The petitioner is in custody since 02.08.2024. The trial will take time considerable time to conclude. It is well settled proposition of law that prolonged incarceration

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generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution. Keeping in view the period spent by the petitioner in custody, the nature of the allegations as levelled against him and the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same 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.

15.09.2025
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(MANISHA BATRA)
JUDGE

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