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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

256/2

CRM-M No.28279 of 2025
Date of decision: 27.05.2025

Gurmej Singh @ Kakku ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kuldip Singh, Advocate,
for the petitioner.

Mr. Raghav Garg, AAG, 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
24	05.03.2025	City Jalalabad, District Fazilka	333, 303(2), 115(2), 324(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. As per the allegations, Veena Rani elected Sarpanch of Village Tiwana Kalan who is wife of the complainant Satnam Singh came to

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know that certain inhabitants of the village were indulged in sale of contrabands in a secret manner and she got an announcement done through Village Gurudwara Sahib asking such person to mend their ways or otherwise action would be taken against them. On the night of 04.03.2025, the complainant was going towards the house of his relative Balwinder Singh, on his Aactiva vehicle when the co-accused who had already formed membership of an unlawful assembly against the complainant and in pursuance of that unlawful assembly, intercepted him, hurled abuses and while raising lalkaras, started chasing him. The complainant raised the speed of his vehicle and managed to enter into the house of Balwinder Singh but co-accused followed him and opened an assault upon him. They started extending beatings to him. The family members of Balwinder Singh rushed for his rescue but they too were assaulted. The cause of grudge was that the co-accused Balveer Singh was indulged in selling contrabands and was offended due to the action taken by the wife of the complainant. On the statement of complainant, the aforementioned FIR was registered. Investigation proceedings were initiated. The petitioner was nominated as accused on the basis of disclosure statement of co-accused. During investigation, the petitioner was arrested and is in custody since 07.03.2025 Investigation has since been concluded.

3. It is argued by learned counsel for the petitioner that he has

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been falsely implicated in this case. He was not present at the place of occurrence. No specific act or injury has been attributed to him. The co-accused Surinder Singh @ Shinda has been granted the benefit of interim relief and the co-accused Balveer Singh has been extended benefit of regular bail. On parity, he too deserves to be granted the benefit of bail. He is in custody since long. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. Accordingly, it is urged that he deserves to be extended benefit of bail.

4. Notice of motion.

5. Mr. Raghav Garg, AAG, Punjab has advance notice of the petition. Learned Assistant Advocate General, Punjab has submitted that two more cases have been registered against him and bail has been granted in those cases. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. The allegations against him are serious. Accordingly, it is urged that he does not deserve to be extended benefit of bail.

6. This Court has considered the rival submissions.

7. By forming membership of an unlawful assembly with the co-accused and the petitioner, the accused Balveer Singh is alleged to have opened an assault upon the complainant and other injured and is alleged to have caused injuries to them. The injuries which have been sustained by the injured are opined to be simple in nature. Investigation has been

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concluded. Trial would ofcourse take time. One of the co-accused has been granted the benefit of interim relief and the co-accused Balveer Singh has been extended benefit of regular bail. There is no basis for the contention that the petitioner might intimidate the witnesses or absconding. His involvement in other cases cannot be considered to be a ground for denying the benefit of bail to him. No specific injury has been attributed to him. The subject offences are triable by Magistrate. Given the nature of the allegations, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds as well as surety bonds by two sureties to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

8. However, in addition to the conditions to be imposed by the learned trial Court/Duty Magistrate/Chief Judicial Magistrate, the release of the petitioner shall also be subject to the following conditions :

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (ii) He shall deposit his passport, if any, with the learned trial Court;
- (iii) He shall not commit any similar offence while

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on bail.

(iv) He shall not try to contact with the complainant or other prosecution witnesses or intimidate any of them during the course of trial.

(v) He shall not leave the country without prior permission of the trial Court.

9. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

10. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

27.05.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No