



CRM-M-29101-2025 and
CRM-M-30318-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219 CRM-M-29101-2025

Boota Singh

...Petitioner

Versus

State of Punjab

...Respondent

222 CRM-M-30318-2025

Kashmir Singh @ Arsh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sonpreet Singh Brar, Advocate for the petitioners.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

This common order shall dispose of above mentioned two petitions for grant of regular bail as filed by the petitioners- Boota Singh and Kashmir Singh, which are similar in nature and are arising out of FIR No. 84 dated 06.07.2024 registered under Sections 331(6), 115(2), 118(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 109 of BNS added later on) at Police Station Nehianwala, District Bathinda.

2. Brief facts of the case relevant for the purpose of disposal of



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these petitions are that the aforementioned FIR was registered on the basis of a statement recorded by the complainant Gurjeet Singh, on 06.07.2024, alleging therein that on the night of 03.07.2024, the petitioners, along with the co-accused, while being armed with weapons, opened the gate of his house and entered inside. They opened an assault upon him and caused injuries to him with their respective weapons. On clamour being raised by him, his mother reached there and then the petitioners and the co-accused fled from the spot. The motive attributed to the assailants was a dispute between Gurpanth Singh, who is his friend and the accused Jaspal Singh. Gurpanth Singh had visited the complainant's house on the same night, thereby offending the accused Jaspal Singh and the co-accused. After registration of FIR, investigation proceedings were initiated. The petitioners were arrested and are in custody since 30.08.2024. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They have been in custody since long. Investigation stands concluded. Trial will take time since only three out of nineteen prosecution witnesses have been partly examined so far. Their further incarceration would not serve any purpose. The injury sustained by the victim declared to be dangerous in nature had not been attributed to either of them but to co-accused Jaspal. The petitioner-Kashmir Singh has no criminal antecedents. The petitioner-Boota Singh is involved in one more case, however, such involvement cannot be considered to be a reason for denying benefit of bail to him. They are ready to abide by terms and



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conditions to be imposed upon them. With these broad submissions, it is urged that the petitions deserve to be allowed.

4. Status report has been filed by respondent-State in CRM-M-29101-2025 as filed by petitioner Boota Singh. Learned Assistant Advocate General, Punjab, has submitted that the same be considered as reply to the petition filed by accused Kashmir Singh as well. It is argued by him that the victim Gurjeet Singh had sustained several injuries on his person, one of which has been opined to be dangerous in nature. There are chances of petitioners absconding or intimidating the witnesses, if they extended benefit of bail. Therefore, it is urged that the petitions do not deserve to be allowed.

5. Rival contentions raised by learned counsel for the parties have been considered.

6. The petitioners along with the co-accused are alleged to have voluntarily caused injuries to the complainant by criminally trespassing into his house. They are in custody since 30.08.2024. Trial is likely to take time. The injury which has been opined to be dangerous to life has not been attributed to either of the petitioners. In the considered opinion of this Court, no useful purpose would be served by keeping the petitioners in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the nature of subject offences and the attending 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 petitions deserve to be allowed. Hence, the same are allowed and the petitioners are ordered to be released on bail



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subject to their furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

- 7. Since the main petitions have been allowed, pending application, if any, is rendered infructuous.
- 8. Photocopy of this order be placed on the file of connected case.

[MANISHA BATRA]
JUDGE

3rd July, 2025
Parveen Sharma

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