



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-32536-2025
Date of decision: 10.12.2025

BOOTA SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

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

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.278 dated 27.12.2024, under Sections 109, 118(1), 115(2), 3(5) of BNS, registered at Police Station Bhikhi, District Mansa.
2. The present case was registered on the basis of statement given to the police by Gurpreet Kaur with the allegations that 24.12.2024, she along with her husband Akashdeep had gone to dairy for bringing milk, where Buta Singh, son of Dyala Singh, and Harpreet Singh, son of Buta Singh, were seen coming in the street, who started abusing her husband and proclaimed that earlier he had caused injuries to him and today they will teach him a lesson. They started beating her husband. When the people started gathering at the spot, they went away. After some time, they also went towards their house. Her husband was going ahead of her and again, Harpreet Singh son of Buta Singh holding an axe and Buta Singh holding khurchna were standing near the wall of the Dera in the street and Buta



- 2-

Singh raised a lalkara that today, he should not be spared and then Harpreet Singh threw red chilli powder on the face of her husband Akashdeep, as a result of which he entered the Dera. Thereafter, Harpreet Singh and his father Buta Singh also entered the Dera and complainant came near the gate of Dera and saw that one more person was standing in the Dera, who caught hold of her husband. Harpreet Singh with an intention to kill him gave axe blow on the person of the complainant's husband, who raised his arm, as a result of which, the axe hit on the right arm and on the head near the ear. Then Buta Singh gave Khurchna blow on the left side below the ear of her husband with an intention to kill him, on which her husband fell down. Thereafter, they caused several blows on his legs, chin, arms and other parts of the body. On hearing the noise, Rajpal Singh, who is a cousin of her husband reached the spot and raised an alarm, on which all the assailants ran away from the spot alongwith their respective weapons. Thereafter, they took Akashdeep to the Civil Hospital, Mansa for treatment, from where he was referred to Sector-32 Chandigarh. During investigation, it has been found that victim has suffered 09 injuries. Out of the aforesaid injuries, injuries No.1 to 4 were caused with sharp edged weapon and injuries No.6, 7 and 9 with blunt weapon. One injury on the neck, second injury on the anterior aspect of neck and one on the lower tooth were declared grievous. Accused was arrested on 29.12.2024 and after completion of investigation, final report has been presented for trial.

3. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

4. Learned counsel for the petitioner argued that petitioner has been



- 3-

falsely implicated in the present case. No offence under Section 109 BNS is made out, as the victim has suffered only grievous injuries and doctor has not declared the injuries to be dangerous to life, sufficient to cause death in ordinary course. Learned counsel next contended that final report/challan has already been presented after completion of investigation and out of total 14 prosecution witnesses, not a single witness has been examined till date. Co-accused namely Harpreet Singh, who is similarly situated has already been released on bail by this Court, vide order dated 19.11.2025. The trial is likely to take a long time to conclude and further detention of the petitioner is not required and he may be released on bail.

5. On the other hand, learned State Counsel has opposed the bail and argued that in view of the gravity of the offence, petitioner does not deserve the concession of bail.

6. The injuries on the person of the victim have been found to be grievous and not dangerous to life. As such, it will be a debatable question during the trial whether the offence under Section 109 BNS is made out or not. Petitioner is in custody since 29.12.2024. Challan has already been presented, after completion of investigation and out of total 14 prosecution witnesses, not a single witness has been examined till date. The trial is likely to take sufficiently long time to conclude. It is well settled that bail is the rule and jail is an exception and pre-trial incarceration cannot be used as a tool to punish an offender and no useful purpose will, thus, be served by detaining the petitioner in custody anymore. Moreover, co-accused namely Harpreet Singh, who is similarly situated has already been released on bail by this Court, vide order dated 19.11.2025.



- 4-

7. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

10.12.2025
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No