

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

2025:PHHC:151889



220

CRM-M-33459-2025 (O&M)

Date of decision: 04.11.2025

Gurdeep Singh @ Kala

....Petitioner

V/s

State of Punjab and another

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aman Mittal, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

Mr. Arav Gupta, Legal Aid Counsel &
Ms. Nanvi Gupta, Legal Aid Counsel
for the complainant/respondent No.2.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case bearing FIR No.0096 dated 19.11.2024, registered for the offences punishable under Sections 118(1), 333 of BNS 2023 (Sections 118(2), 109 of BNS added later on vide DDR No.12 dated 28.01.2025) at Police Station Bariwala, District Sri Muktsar Sahib.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*“Statement of Parma Rani aged about 27 years, wife of
Gurdeep Singh resident of Kachi Bhucho, District Bathinda.*

Mob. No. 78375-73244. Stated that I am resident of above said address. Since 9 years ago, my marriage was solemnized with Gurdeep Singh. I have 3 daughters. Eldest daughter aged about 8 years, younger to her aged about years and younger to her is 3 years. My husband used to give beatings to me and used to give beatings with iron rods. I used to become angry and go to my parental house at village Jaito District Faridkot. Panchayati compromise has been got effected between us on 2-3 occasions and I used to return back. Now since 4 months back, my husband ousted me from the house and used to have doubt me and said that you are having affair with someone else. On dated 15.11.2024, my maternal Rani Kaur resident of Bariwala has came to Jaito as they have to visit religious place (Mata de), therefore she has taken me to Bariwala along with her. My younger daughter Mangvir Kaur was also accompanied with me. Thereafter my husband also came to my house at Bariwala after me and was snatching my daughter. But my maternal aunt Rani Kaur caught my daughter. Thereafter he took out sword out of his loi worn by him around by him and given blow on me. I have raised my left arm to save me. Direct blow was hit on the little finger of my left hand. Thereafter he has given another blow of sword on the finger of my right hand and another blow of sword was hit in the between the little finger. Other blows of swords were also given on my hands and elbow. I raised Clamour Marta-Marta. Public gathered there. Thereafter my husband ran away from the spot along with his sword. I am apprehending danger to my life and property from my husband. My children are also apprehending danger. Legal action may kindly be taken against my husband. Statement has been recorded, heard, read over and is correct. LTI above said Parma Rani. Statement has been verified by above said Veerpal Kaur (mother) wife of Parmpal resident of Jaito. Mob. No. 78375-73244. Attested by Sd/- Assistant Sub Inspector Jasveer Singh. Police Station Bariwala Dated 19.11.2024”

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 20.11.2024. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into

the FIR in question on account of a matrimonial dispute with the injured/complainant which is none else but his wife. Learned counsel for the petitioner has further submitted the said injured witness (Parma Rani) has since been examined as a prosecution witness. Learned counsel for the petitioner has further argued that the petitioner has suffered 11 months and 13 months incarceration. Thus, regular bail is prayed for.

4. Learned State counsel assisted by Mr. Arav Gupta and Ms. Nanvi Gupta, Advocates (Legal Aid Counsel for the complainant/respondent No.2) has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 03.11.2025 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 20.11.2024 and is in continuous custody. Thereafter, investigation was carried out and challan was presented on 23.04.2025 wherein total 21 prosecution witnesses have been cited, out of which 5 have been examined and two have been given up. It is not disputed before this Court that prime prosecution witness namely Parma Rani has since been examined. The rival contentions raised at Bar give rise to debatable issues shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner

absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 03.11.2025 filed by the learned State counsel, the petitioner the petitioner has already suffered incarceration for a period of 11 months and 13 days & is shown to be involved in one other FIR. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.

- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of her affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

04.11.2025
Naveen

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