



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

210

CRM-M No.41962 of 2025 (O&M)

Reserved on :09.09.2025

Pronounced on: 10.09.2025

Gurtej Singh**.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Argued by: Mr.Nandan Jindal, Advocate and
Mr. Tushar Sabherwal, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 109, 126(2), 3(5) BNS, FIR No. 0002 dated 04.01.2025, has been lodged in Police Station Civil Lines Patiala, District Patiala. The petitioner is being prosecuted for the commission of above mentioned offences and he has been arrested. The petitioner is in custody and, therefore, craving for the benefit of bail. This is first petition, filed by the petitioner, under Section 483 of BNSS.
2. Briefly stated that the facts emerging from the record are that the abovementioned FIR came into being on the basis of statement of Kamal Sharma, who had stated that on 03.01.2025, when he arrived at his workshop at about 09.15. A.M. he noticed that three unknown persons were already present there on their motorcycle having no number plate. As per complainant one of them was carrying kirpan (sharp edged weapon) and another one a steel



rod. According to complainant when he was about to open shutter of his workshop, they all launched attack upon him by retorting that they would kill him and inflicted injuries on his person.

3. As per the case set out by the prosecution, during the course of investigation, supplementary statement of injured was recorded, wherein complainant/injured stated that on inquiry at his own level he has come to know that assailants were Gurtej Singh @ Janak, Pargat Singh @ Jass and Yogesh Rajbhar @ Tuntun. According to prosecution the accused were arrested, accordingly, and from their possession weapons of offence have been recovered.

4. Heard.

5. It has been contended on behalf of petitioner that petitioner is innocent having no nexus whatsoever with the commission of crime, and that weapon attributed to the petitioner is a steel rod and the abovesaid weapon was not responsible for causing injury on any vital part of the body of injured/complainant. According to learned counsel for the complainant firstly, it is very strange that initially the FIR was lodged against unknown persons, and later on out of blue the identity of assailants was disclosed by the petitioner; Secondly, the injury which was inflicted with sharp edged weapon on vital part of the injured has not been attributed to the petitioner.

6. In addition to above, it has also been argued by learned counsel for the petitioner that injury attributed to the petitioner were on his left leg and left knee and none of them was grievous in nature. According to learned counsel for the petitioner the petitioner has already suffered a lot of



incarceration being in custody for a period of more than 7 ½ months and that the injured has already been discharged from the hospital. It has also been pointedly argued by learned counsel for the petitioner that there is nothing on record to show that any of the injury suffered by the complainant was dangerous to life. As per learned counsel for the petitioner, in view of above, the petitioner is entitled to the benefit of bail.

7. Per contra, learned State counsel has argued that allegations against the petitioner are very specific & categorical and that the offence is otherwise serious in nature. According to learned State counsel since attack was launched by the petitioner was an outcome of conspiracy with a common object, the petitioner cannot shy away from his responsibility in this case.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, for the decision of present bail application, following are the factors which are relevant for arriving at any conclusion: -

- (1) that the injury on the vital part of the petitioner, with the abovesaid weapons has not been attributed to the petitioner.
- (2) that the petitioner is already in custody for a period of more than 7 ½ months;
- (3) that the complainant has already been discharged from the hospital;
- (4) that the trial is not likely to be concluded in near future;
- (5) that the investigation in the present case is already complete and nothing is left to be recovered from the possession of accused;
- (6) that detaining of petitioner in the judicial lock up is not



likely to serve any purpose.

10. If cumulative effect of all the above mentioned factors is taken into consideration it leads to a conclusion that the petitioner is entitled for the benefit of bail.

11. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on:10.09.2025
Manoj Bhutani

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