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

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Date of decision: 7th January, 2025

Davinder Singh @ Shenti Chandigarharia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Gagandeep Kaur, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 116 dated 06.06.2022 registered under Sections 324, 323, 148, 149 of IPC, 1860 (Section 307 and 201 of IPC) at Police Station Sadar Dhuri, District Sangrur.

2. The aforementioned FIR has been registered on the basis of statement recorded by the complainant- Sandeep Singh alleging that the petitioner along with the co-accused had formed membership of an unlawful assembly on 05.06.2022 and by opening an assault upon him had caused simple as well as grievous injuries on his person. As per the allegations, the present petitioner had struck blows with a stick on the back of the complainant and had injured fingers of right hand of victim-Gurdeep Singh.

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The petitioner was arrested on 19.08.2024. Investigation stands completed. Supplementary challan has been filed against him.

3. It is argued by learned counsel for the petitioner that the injuries which have been attributed to the victim-Gurdeep Singh are simple in nature. Even the grievous injuries found on the person of the victim have not been opined to be dangerous to life. Petitioner is in custody for a period of more than four and half months. Trial is likely to take time. His further detention would not serve any useful purpose. All the other co-accused have been extended benefit of bail. Therefore, it is urged that he too deserves to be released on bail.

4. Status report has been filed by respondent-Senior Deputy Advocate General, Punjab. It is argued by learned Senior Deputy Advocate General, Punjab that the injured Gurdeep Singh had sustained simple as well as grievous injuries on his person. There are serious allegations against the petitioner. He has criminal antecedents and hence, it is urged that he does not deserve to be released on bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is in custody since 19.08.2024. Investigation stands concluded. Trial is likely to take time. Injuries sustained by the victim have not been opined to be dangerous to life. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts but without meaning to make any comment on the merits of



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the case, I am of the considered opinion that the petition deserves to be allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th January, 2025
Parveen Sharma

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