



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

234

**CRM-M-47247-2025(O&M)
Date of Decision: September 25, 2025**

Labh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: - Mr.Surinder Garg, Advocate
for the petitioner.

Mr.Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J.

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.79 dated 17.06.2025 registered under Sections 117(2), 115(2), 110 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (Section 110 of the Act added lateron), at Police Station Kotbhai, District Sri Muktsar Sahib.

2. Brief facts of the prosecution case are that the FIR was lodged on the statement of Balour Singh-complainant/injured, who alleged that there was a dispute with his brother Labh Singh (petitioner) over their



ancestral land. On 23.05.2025, when the complainant went to the house of the petitioner to persuade him for partition, then the petitioner along with co-accused persons caused injuries to the complainant.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He contends that initially the FIR was lodged for bailable offence and the petitioner was allowed to join the investigation on 17.06.2025 after submitting bail bonds before Investigating Officer. Later, after about 15 days, on receipt of opinion of the doctor, Section 110 of the BNS was added making the offence non-bailable and the petitioner was arrested on 03.07.2025. He has argued that injury No.1 which is declared grievous in nature, has been on the non-vital part of the body i.e. at the back and has been attributed to co-accused Harwinder Singh and not to the petitioner. The dispute is between brothers over ancestral land. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Further, co-accused Harwinder Singh has been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 30.07.2025 passed in CRM-M-40520-2025. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the status report and the custody certificate, which are taken on record. He has vehemently opposed the



prayer for bail by submitting that the offence committed by the petitioner is serious in nature. Referring to the status report, he has argued that the complainant wanted partition of joint property, but the petitioner was not interested. The petitioner shared his intentions with co-accused persons and they all opened attack on the complainant to dissuade him from demanding share in joint property. However, learned State counsel has not controverted the fact that petitioner is first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 2½ months; the petitioner and complainant are brothers; the dispute is regarding partition of joint family property and the trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein, Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. In view of the above, the present petition is allowed and the



petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

September 25, 2025

gian

**(RUPINDERJIT CHAHAL)
JUDGE**

Whether Speaking / Reasoned	Yes / No
Whether Reportable	Yes / No