



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

CRM-M-52332-2025
Date of decision: 06.11.2025

GURWINDER SINGH ALIAS INDER

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case having FIR No.94 dated 02.07.2025 registered under Sections 115(2), 118(1), 126(2), 191(3), 190 of BNS (Section 117(2), 118(2) of BNS added later on) at Police Station Anaj Mandi, Patiala.

2. Status report by way of an affidavit of Jangjit Singh, PPS, Deputy Superintendent of Police, DSP, City-II, Patiala filed on behalf of the State is taken on record.

3. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

4. The present case was registered on the basis of statement given to the police by Paramjit Singh with the allegations that on



01.07.2025, he alongwith his brother Sikander Singh and his friend Honey were going to Patiala Court for appearance and when they reached near Peer Di Dargah, Upkar Nagar, Patiala, one unknown black coloured car hit them from behind, as a result of which, they fell from their motorcycle. Raja Boxer, Harinder Singh, Sahil Negi, Harry, Vikas @ Aanda, Yash @ Bhola and 5-6 unknown persons surrounded them. Unknown persons, who had come on a motorcyle grabbed him from his arm and thereafter, Raja Boxer, Harinder Singh, Sahil Negi, Harry, Vikas @ Aanda and Yash @ Bhola gave kirpan blows on his head, nose, left arm, middle three fingers of right hand, right arm, right leg and right knee, as a result of which, he suffered a number of injuries. The unknown persons also caused injuries to him with fists blows. He cried for help, on which public started gathering and the assailants ran away from the spot. Thereafter, he was taken to the hospital for treatment. Accused were arrested and petitioner was arrested on 13.07.2025 and after completion of investigation, final report has been presented against the accused for trial.

5. Learned counsel for the petitioner contended that petitioner has been falsely named in the FIR. He has been nominated as an accused in the disclosure statement suffered by co-accused, which is not admissible in evidence. Even otherwise, only fist blows are attributed to the unknown persons, who were allegedly accompanying the main accused. The challan had already been presented after completion of investigation. All the offences are Magisterial trial. Petitioner is in custody since 13.07.2025. The trial will take sufficiently long time to



conclude and as such, no useful purpose will be served by detaining the petitioner in custody anymore and he may be released on bail.

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

7. Admittedly, all the offences are Magisterial trial and petitioner is in custody since 13.07.2025. 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.

8. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

9. Pending misc. application(s), if any, shall also stand disposed of.

06.11.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

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