

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:163011



108+232

CRM-M-52482-2025 (O&M)

Date of decision:21.11.2025

Balkar Singh @ Lovely

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ramneek Vasudeva, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

CRM-46998-2025:

The applicant has filed the present application seeking addition of offence under Section 238 of the BNS in the headnote as well as prayer clause of the petition.

For the reasons assigned in the application, the prayer is allowed. The requisite addition shall stand incorporated in the head note as well as prayer clause of the petition.

Registry to do the needful.

Main case:

1. The petitioner is seeking indulgence of this Court for grant of regular bail in case arising out of FIR No.30, dated 04.03.2025, registered under Sections 110, 115(2), 126(2), 351(3), 190, 191(3) of the BNS

(offence under Sections 109 and 238 of the BNS was added subsequently), at Police Station Sadar Rupnagar, District Rupnagar.

2. The aforementioned FIR was registered on the basis of statement got recorded by the complainant – Bhupinder Singh @ Ladi alleging that on 03.03.2025, he was going towards his pig farm on his tractor, when on the way, he was intercepted by the occupants of a maruti car. The petitioner and the co-accused alighted from the same and encircled him. They opened an attack upon him. Co-accused Taj Mohammad had made an exhortation not to spare him. He sustained injuries on his head. On clamour being raised, some other persons had reached at the spot and then the assailants fled away while extending threats to him. The motive attributed was that some litigation was pending between the co-accused Taj Mohammad and the complainant. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 25.03.2025. Co-accused were also arrested subsequently. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific injury has been attributed to him. The injury allegedly caused to the complainant on his head was attributed to the co-accused Taj Mohammad. It is a case of version and cross-version. Even the petitioner has received multiple injuries in the same incident at the hands of the complainant party. No recovery has been effected from him. He is in custody since long. His continued detention

would not serve any useful purpose. The trial will take considerable time to conclude. It is, therefore, urged that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that there are serious allegations against the petitioner, who along with the co-accused had caused serious injuries to the complainant with an intent to kill him and therefore, it is argued that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have intercepted the complainant on the fateful day and had voluntarily caused simple as well as grievous injuries to him. No specific injury is admittedly attributed to the petitioner. The petitioner is not required for further investigation as the same stands concluded. Trial will take considerable time to conclude as no prosecution witness has been examined so far. It is case of version and cross version as on the basis of a complaint made by co-accused Taj Mohammad, a cross DDR had been registered. It is well settled proposition of law that bail is the rule and jail is an exception. Pre-trial incarceration should not be a replica of post conviction sentencing. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, lest they prejudice the case of either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

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

21.11.2025

harjeet

Whether speaking/reasoned :
Whether reportable :

(MANISHA BATRA)

JUDGE

Yes/No
Yes/No