



CRM-M-58662-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
226 CRM-M-58662-2024
Date of decision: 4th April, 2025

Gurdit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. H.S. Batth, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Brijesh Nandan, Advocate for respondent No.2.

MANISHA BATRA, J (ORAL):-

1. 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. 94 dated 31.08.2024 registered under Sections 117(1), 118, 333, 324/3(5), 109, 118(2) and 117(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Bhikhiwind, District Tarn Taran.

2. As per the allegations on the night of 12.08.2024, the petitioner accompanied by the co-accused Kashmir Kaur, Sarabjit Singh and 4-5 more persons unknown to the complainant criminally trespassed into the house of the complainant Palwinder Singh. The accused Kashmir Kaur made an exhortation thereby prompting the petitioner and the other accused to kill the complainant and thereafter, the petitioner and others opened an assault upon the complainant thereby causing injuries to him with the respective weapons



which they were carrying. They also damaged window panes of his house. On clamour being raised, his uncle and mother rushed for his rescue and then the assailants fled from the spot. The complainant was taken to hospital and remained admitted there for 11 days. On the basis of statement recorded by him, the aforementioned FIR was registered. The petitioner was arrested on 16.09.2024. Investigation stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. Trial is likely to take time to conclude. He is alleged to have caused grievous injuries on the legs of the complainant by striking blows with iron rod. However, there is inordinate delay in lodging of the FIR, despite the fact that the complainant was discharged on 23.08.2024, FIR was registered only on 31.08.2024. The delay which has remained unexplained clearly shows the factum of concoction of a false story. Trial will take considerable time to conclude. His further incarceration is not required. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned Assistant Advocate General, Punjab, has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner in furtherance of his common intention with the co-accused is alleged to have criminally trespassed into the house of the



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complainant on the night of 12.08.2024 and to have voluntarily caused simple as well as grievous injuries to the complainant and further caused damage to his property. The injuries which have been attributed to the petitioner have been opined to be dangerous to life, however, the investigation now stands concluded. The petitioner is in custody since 16.09.2024. It is a case of version as well as cross version as a case bearing GD No. 28 has been registered on the basis of statement of the family member of the petitioner as well. Grievous injuries were sustained by Sarabjit Singh member of the party of the petitioner. It is a question of debate, as to who, was the aggressor and the same has to be decided on the basis of thorough assessment of the evidence to be produced during trial by the learned trial Court. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the nature of subject offences and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof lest the same prejudice the trial, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is 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

4th April, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*