

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:171862



264

CRM-M-67649-2025 (O&M)
Date of decision:09.12.2025

Lovepreet Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Baljinder Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG Haryana.

...

Manisha Batra, J. (Oral).

1. Petitioner is seeking indulgence of this Court for the purpose of grant of regular bail in case arising out of FIR No.367 dated 22.09.2024 registered under Sections 115(2), 118(1) and 118(2) of the BNS, at Police Station City Dabwali, District Sirsa, on the basis of statement recorded by the complainant – Pargat Singh on 22.09.2024, alleging that on 21.09.2024, he was present at Bathinda Chowk Sirsa and was buying vegetables, when the present petitioner, who was armed with a sword had intercepted him, made an exhortation to teach a lesson to the complainant and had thereafter opened an assault upon him, thereby causing injuries on his person with his sword. On clamour being raised, complainant was rescued by the persons, who were present at the spot. Initially, a case under Sections 115(2) and 118(1) of the BNS was registered. During the course of investigation,

offence under Section 118(2) of the BNS had been added. The petitioner was arrested and is in custody since 26.09.2024.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of over 01 year and 02 months. All the prosecution witnesses have been examined. There are no chances of the petitioner's intimidating them. An application for recall of these witnesses has been moved by the prosecution and therefore the trial will obviously take time to conclude. The subject offences are triable by the Magistrate. He has clean antecedents. His continued detention would not serve any useful purpose. With these broad submissions, it is urged that he deserves to be released on bail.

3. Notice of motion.

4. Learned State counsel has advance notice of the petition and while placing on record custody certificate, has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail.

5. This Court has heard rival submissions made by learned counsel for the parties.

6. The petitioner is in custody for over a period of 01 year and 02 months. In view of the above discussed facts, it is clear that trial will take time to conclude since an application for recall of the witnesses has been filed. The offences alleged to be committed by the petitioner are triable by the Magistrate. Taking into consideration the nature of allegations as levelled against the petitioner, part attributed to him, period spent by him in custody and his clean antecedents, this Court is of the considered opinion

that the petitioner has made out a case for his release on bail. Moreso, it is well settled proposition of law that bail is the rule and jail is an exception. Pre-trial incarceration of an accused should not be replica of post conviction sentencing. In view of the above facts and circumstances but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as 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.

09.12.2025

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No