

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

2026 PHHC 070125



CRM-M-8646-2026 (O&M).
Date of decision: 06.05.2026.

AVTAR SINGH @ DHATI

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Lalit Attri, Advocate, with
Mr. Vikram Singh, Advocate,
for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.175 dated 04.12.2024, under Section(s) 109 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (Section 118(2) of BNS, 2023, added later on), registered at Police Station Barnala, District Barnala. The first petition seeking grant of regular bail was dismissed as withdrawn vide order

dated 11.11.2025.

The aforesaid FIR was registered on the statement of Sukhwinder Kaur wife of Jagtar Singh which reads thus: -

“I am resident of above-mentioned address and doing domestic work. My husband Jagtar Singh @ Avtar Singh expired six years earlier. I have two sons. Elder son is Gurpreet Singh and younger to him is Noorvir Singh. Presently, I am residing with my both sons on the above-mentioned address. On 02.12.2024, time would be about 07:45 PM, I was standing on the main gate of my house along with my elder son Gurpreet Singh then Avtar Singh alias Dhati son of Malkiat Singh, resident of Bhaini Patti Sekha was coming towards us while running and he was having Kulhari in his hand, then Avtar Singh alias Dhati above-mentioned while coming near to us raised the Lalkara to my son Gurpreet Singh by stating that you will not be spare today. In the meantime Avtar Singh @ Dhati gave Kulhari blow with an intention to cause death towards my son Gurpreet Singh on his head and due to this reason my son Gurpreet Singh injured seriously and fell down. I shouted loudly, then by seeing the people gathered Avtar Singh @ Dhati along with Kulhari ran away from the spot. Then I by arranging the vehicle with the help of my son Noorvir Singh got admitted my son Gurpreet Singh in the Govt. Hospital, Barnala where doctor sahib by giving first aid referred my son and I got my son admitted in AIMS Hospital Bathinda. At this time surgery is going on of my son at the AIMS Hospital, Bathinda. Doctor sahib orally told me that surgery will be for 8 hours and after surgery my son may be well, and he may be lost his memory or he may expire. The motive for causing the injury as someday ago some quarrel took place due to any reason with my son and Avtar Singh @ Dhati and due to this grudge Avtar Singh attacked on my son so action be taken against Avtar Singh @ Dhati r/o Bhaini

Patti Sekha. I have recorded my statement which is correct.”

Learned counsel appearing on behalf of the petitioner contends that the role attributed to the petitioner is of having given an axe blow on the head of the injured. It is submitted that there are no eye witnesses to the alleged occurrence and the nature of injury attributed to the petitioner would not attract Section 109 of the BNS, 2023 in any manner whatsoever. He submits that be that as it may, the petitioner has no criminal antecedents and is in custody since 09.12.2024 and has already undergone an actual custody of nearly 1 year and 05 months. He contends that the challan in aforesaid FIR was presented on 06.02.2025 and charges were framed on 13.08.2025 and that the complainant already stands examined.

State counsel, on the other hand, contends that as per his instructions no witness has been examined so far and there are total 20 witnesses cited by the prosecution who are yet to be examined. He, however, does not dispute the clean antecedents of the petitioner as well as the period of custody undergone by him.

Having heard the learned counsel for the parties, without commenting any further on the merits of the case and taking into consideration the period of custody already undergone by the petitioner, his clean antecedents, the stage of the trial and also noticing that arguable issue would arise with respect to whether the injury attributed to the petitioner would attract Section 109 of the Bharatiya Nyaya Sanhita, 2023, or not, I deem it appropriate to allow the present petition. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing

requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

May 06, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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