



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

CRM-M-10757-2026
Date of decision: 11.05.2026

MALKIT MASIH ALIAS RAJA

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G. Punjab.

Mr. Pankaj Kalia, Advocate
for the complainant.
(through video conferencing)

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner is seeking regular bail in case bearing FIR No.123 dated 19.12.2025 registered under Sections 333, 115(2), 118(1), 324(4), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (later on Section 118(2) of BNS added) at Police Station Bhaini Mian Khan, District Gurdaspur.

2. In the present case, allegation against the petitioner is that he along with co-accused, armed with a *dattar*, entered the shop of the complainant and vandalized the same. He is specifically accused of causing a *dattar* injury to the complainant on his left arm near the elbow during the assault.



3. Learned counsel for the petitioner prayed for grant of regular bail to the petitioner on the following grounds:

- i. The petitioner has been falsely involved in the present case.
- ii. Only *lalkara* and simple injury is attributed to the petitioner.
- iii. Nothing is to be recovered from the petitioner as investigation has already been completed and final report under Section 193 BNSS has already been filed.
- iv. Petitioner is in custody since 24.12.2025 i.e. for the last 04 months and 16 days.
- v. Petitioner is having clean and clear antecedents and is not involved in any other case, except the present one.
- vi. Trial will take sufficient time to conclude. No fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

4. Status report dated 20.03.2026 filed by way of an affidavit of Kulwant Singh, PPS, Deputy Superintendent of Police, Sub-Division Rural, District Gurdaspur on behalf of respondent-State is taken on record. Learned State counsel produced the custody certificate of the petitioner, which is taken on record. He opposed the prayer of the petitioner on the following grounds:

- i. The petitioner has been specifically named in the FIR.
- ii. Petitioner has actively participated in the commission of crime and caused injuries to the complainant.

5. Learned counsel for the complainant submitted that there is an apprehension that after release, the petitioner will tamper with the prosecution evidence and extend threat to the complainant and other witnesses.



6. Heard.

7. Keeping in view the facts and circumstances of the present case and the following contentions of learned counsel for the parties that :

- i. Only lalkara and simple injury has been attributed to the petitioner.
- ii. Investigation has already been completed and final report under Section 193 of BNSS has already been filed.
- iii. Petitioner is in custody since 24.12.2025 i.e. for the last 04 months and 16 days.
- iv. Petitioner is having clean and clear antecedents and is not involved in any other case, except the present one.
- v. Trial will take sufficient time to conclude. No fruitful purpose would be served by keeping the petitioner in custody for any further period.

8. Concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both the parties. It is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10. It is further directed that if the petitioner, after his release on bail, directly or indirectly, comes in contact with the complainant and other



material witnesses or extend any threat, then the prosecution would be at liberty to file appropriate application before the trial Court seeking cancellation of his bail and the trial Court shall decide the same in accordance with law.

May 11, 2026
manisha

(SUBHAS MEHLA)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |