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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-17607-2026

Date of decision: 8th April, 2026

Kuljit Singh @ Gora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.K. Sirsa, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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. 57 dated 16.07.2023 registered under Sections 323, 324, 326, 506 and 34 of IPC (Sections 326 and 34 of IPC added and Sections 307, 148 and 149 deleted later on) at Police Station Sarain Amanat Khan, District Tarn Taran.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Lovepreet Singh, alleging that on 09.07.2023, he along with his cousin Ramandeep Singh was present in his shop when two cars of Verna and Alto make reached there. Ten persons alighted from these vehicles. They were armed with weapons. The complainant identified them. The present petitioner was one amongst them. He was armed with *datar*, whereas others were also armed with deadly weapons. Accused Bunty made

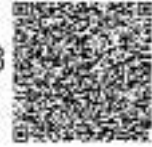
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an exhortation to teach the complainant a lesson and then petitioner opened an assault upon the complainant by striking a blow with *datar* on his head and shoulder with intent to kill him. Accused Akashdeep struck blows with *kirpan*. Accused Swarn Singh @ Sunny and Karamjit Singh caused injuries with *gandasi* and *daang* on the person of his cousin Ramandeep Singh. The remaining assailants also caused injuries to them with their respective weapons. On clamour being raised, Harjeet Singh and Gurjeet Singh witnesses reached there and then the assailants fled while hurling abuses and extended threats to kill them. The injured were rushed to the hospital. The cause of grudge was that the father of the complainant had become a member of Panchayat. After registration of FIR, investigation proceedings were initiated. A cross GDR No. 43 was registered on 08.08.2023 on the basis of statement of Sawinder Kaur. The petitioner was arrested on 16.01.2025. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, it was the complainant side who were aggressor members, who had opened attack upon the petitioner and co-accused Akashdeep Singh. Akashdeep Singh had sustained five injuries including one head injury. A cross case has also been registered. There is an inordinate delay of 07 days in reporting the matter to the police which is unexplained. The petitioner is in custody since long. The trial will take considerable time to conclude as even charges have not been framed so far. No useful purpose would be served by detaining him in custody anymore. It

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is, therefore, argued that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and while placing on record the custody certificate has vehemently argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner was alleged to have formed membership of an unlawful assembly with the co-accused. However, offences under Sections 148, 149 and 379 of IPC were deleted later on. He along with the co-accused is alleged to have voluntarily caused simple as well as grievous injuries on the person of the complainant. The allegations *prima facie* make out a case for commission of subject offences as against the petitioner, however, he has remained in custody for a period of about 01 year and 03 months. Even charges have not been framed so far and therefore, chances of conclusion of trial in near future are bleak. The petitioner is involved in one more case under the provisions of NDPS Act but is on bail in that case. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentence and that the bail is the rule and jail is an

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exception. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. Taking into consideration the nature of the subject offences, the period spent by the petitioner in custody and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, 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 learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th April, 2026
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No