



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

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**CRM-M-19039-2026
Decided on : 16.04.2026**

Gurnam Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Kiranjeet Kaur, Advocate (**through V.C.**)
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab and
Mr. Vinay Malhotra, DAG, Punjab.

Mr. Rajat Dogra, Advocate
for the complainant.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner in cross-case registered vide DDR No.32, dated 15.11.2021, 117(2), 115(2), 3(5) of BNS, 2023 [Corresponding Sections 325, 323, 34 of IPC], later on vide report No.36, dated 05.08.2025, offence u/s 109, 126(2) of BNS, 2023 [S. 307, 341 of IPC], has been enhanced in FIR No.96, dated 30.10.2021, u/s 118(1), 115(2), 351(2), (3), 191(3), 190 of BNS [S. 324, 323, 506, 148, 149 of IPC] and 25, 27, 54, 59 of Arms Act, 1959, registered at Police Station Mallanwala, District Ferozepur, during the pendency of trial.

2. Initially, at the instance of the petitioner's side through one Major Singh, FIR No. 96 dated 30.10.2021 was registered against the accused therein, namely: (i) Amrik Singh, (ii) Balwinder Singh, (iii) Gurpreet Singh, (iv) Harpreet Singh, and two unknown persons, for commission of offences punishable under Sections 323, 324, 506, 148, and 149 IPC, along with Sections 25 and 27 of the Arms Act.

Thereafter, vide GD/DDR No. 32 dated 15.11.2021, a cross-version was also registered against the complainant party in the said FIR



case, at the instance of Amrik Singh (an accused in the main FIR). The said cross-version was initially registered under Sections 323 and 34 IPC.

3. It is jointly submitted by learned counsel for the petitioner and learned counsel for the complainant that at the initial stage, both sides were released on bail, as the offences then alleged were primarily bailable in nature.

It is further submitted that during the course of investigation in the cross-version case against the petitioner, offences under Sections 109 and 126(2) of the BNS, 2023 were added vide report No. 36 dated 05.08.2025. Consequently, the petitioner now seeks concession of regular bail on account of enhancement of offences after a lapse of about four years.

4. I have heard the submissions addressed by learned counsel for the parties and have also gone through the record, including the version contained in the FIR as well as the cross-version.

5. It is apparent that the issue as to which party was the aggressor shall be determined by the trial Court after the parties lead their complete evidence.

The occurrence took place in October 2021, whereas the cross-version came to be registered after a considerable lapse of time. The complainant party had admittedly got the FIR registered in the first instance.

After such a long passage of time, the petitioner need not remain inside the jail, particularly when nothing substantial has been pointed out by the learned State counsel to justify continued incarceration. Even, the addition of Section 109 of the BNS, 2023, at such a belated stage, would be a matter for the prosecution to establish during the course of trial.

Therefore, without expressing any opinion on the merits of the case, and keeping in view the totality of the facts and circumstances, there is no substantial reason to deny the concession of regular bail to the petitioner, who is already inside the jail for a period of more than 08 months.

Even the grievous injury is on non-vital part of the body, i.e., near knee of leg, which attracts the provisions of Section 118(2) of BNS, 2023. In all likelihood, the question, whether there is any intention to cause murder or not with the petitioner, would be looked into by the concerned trial Court during trial proceedings.



Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

8. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 16, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*