

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CRM-M-22718-2026

Date of decision: 2nd June, 2026

Pardeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Navneet Kaur Waraich, Advocate for the petitioner.

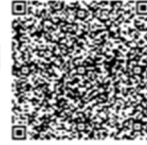
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

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. 159 dated 11.10.2025 registered under Sections 109, 126(2), 115(2), 191(3), 190 and 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police station Anaj Mandi, Patiala.

2. The aforesaid FIR was registered on the basis of the statement recorded by the complainant Baljinder Singh, on 11.10.2025, alleging that 3-4 days prior thereto, the petitioner who is residing in his neighbourhood along with his mother had chopped a tree grown on in a vacant plot abutting the house of the complainant. On 10.10.2025, he called some persons to show them the chopped tree. The petitioner and the co-accused started quarrelling

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with them and abusing them without any reason. They also extended threats to them. The complainant while returning to his house, was waylaid by the petitioner and the co-accused, who were armed with deadly weapons and opened an attack upon him. The petitioner caught hold of Sukhwant Singh and gave a blow with an axe on the head of Sukhwant Singh. Accused Goldy struck a blow with a brick on the head of Mehakpreet Singh and accused Sandeep Singh caused injuries on the head of Sukhwant Singh. The other accused also caused injuries to the complainant and his companions. The petitioner also caused an injury with an axe on the head of the complainant. The accused gave beatings to the members of the complainant party. On a clamour being raised, they fled from the spot. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 25.10.2025. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a long time. His further detention is not required. The trial will take considerable time to conclude. Co-accused Rani and Sandeep have been extended the benefit of bail. On the ground of parity, he too deserves to be extended the same benefit. His antecedents are clean. It is a case of version and cross-version as on the basis of statement recorded by co-accused Sandeep, a DDR No.36 has been registered against the members of the complainant party. It is, therefore, urged that he deserves to be released on bail.

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4. *Per contra*, learned State counsel has vehemently argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

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

6. The petitioner is alleged to have formed membership of an unlawful assembly and, in prosecution of common object of that assembly, is further alleged to have voluntarily caused simple as well as grievous injuries to the members of the complainant party. The allegations make out a *prima facie* case for the commission of the alleged offences against him. However, he has been in custody since October, 2025. The investigation has been concluded. There are no chances of the conclusion of the trial in the near future, as even charges have not been framed so far. Further, the continued detention of the petitioner is not going to serve any useful purpose. It is a well-settled proposition of law that bail is the rule and jail is an exception, and that pre-trial incarceration should not be a replica of post-conviction sentencing. 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. Similarly situated co-accused Rani and Sandeep have been extended benefit of bail. In view of the discussion made above, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore and he has made out a case for his

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release on bail. Accordingly, the petition 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.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

2nd June, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |